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UNPOPULAR ESSAYS

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IN

THE PHILOSOPHY OF HISTORY

BY

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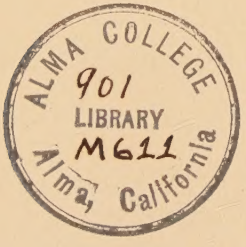
With a Foreword

BY

FATHER JOHN A. RYAN, D.D.



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FOREWORD

WHEN Father Millar decided upon the title of this book he probably thought of the word "unpopular" as indicating the fact that many of the conclusions which he sets down run counter to prevailing assumptions and beliefs. Possibly too, he visualized them as likely to prove unpopular to all those who are averse to careful analysis and accurate thinking. At any rate, they are capable of rendering distinct service in the latter, no less than in the former sense. To correct false notions, historical, philosophical, religious and political, is of great importance; to convince readers that topics of this kind cannot be profitably considered or discussed without careful and critical mental exercise is almost equally important in our day and generation.

Approximately one half of the papers in this collection may be classified as primarily historical. They deal with events that occurred, or with theories and doctrines that were propounded and controverted, before the beginning of the nineteenth century. To be sure, all the essays in this group are susceptible of secondary classification according to subject matter, as dealing with religion, politics, law, philosophy, ethics and social theory. The remainder of the papers treat mainly of philosophy, religion and liberty, and with the fundamental theories held by two great literary figures of the nineteenth century, Browning and Carlyle. Inasmuch as the papers in this group give considerable attention to the his-

torical aspects of the topics which they discuss, they may be classified as historical in a secondary sense.

If one were to attempt to describe all the papers composing this volume in a single sentence, one might use the following words: They constitute a historical and critical discussion of the most fundamental doctrines and principles that have affected and still affect human society and human life.

The author's method is well exemplified in his discussion of the widely accepted tradition that Luther's revolt was justified by the need of radical moral reform, and the call for greater freedom. Objective evidence is constantly brought forward against subjective impressions, and rigorous logic against careless inferences. As a consequence the refutation of such false claims follows inevitably.

The main reason why these essays are unpopular, in the sense of disagreeing with current notions, is to be found in the Protestant tradition. The historical writings upon which the vast majority of non-Catholics have depended since the appearance of the first volume by the Centuriators of Magdeburg (1559) have misrepresented not merely the religious facts concerning the Reformation and the Catholic Church; they have distorted or suppressed Catholic teaching and achievement in the fields of philosophy, politics, science and education. This is well shown by Father Millar in the papers on Non-Catholic Historians and the Middle Ages. Scholastic Philosophy and Modern Liberty, Americanism and Protestantism, The Two Traditions of Liberty, American and English Liberty, American Principles and Mediaeval Tradition, Modern Thought and Scholastic Philosophy, and Professional Twaddle and the Middle Ages.

The particular refutation of the Protestant tradition which the majority of readers of this volume will probably find most interesting is that which is concerned with democracy and liberty. The author clearly establishes the fact that the struggle against Absolutism which culminated in the English Revolution of 1688 was based, not upon ideas derived from the Reformation, but upon the teaching of St. Thomas Aquinas, Belarmine and Suarez, even though this teaching came to these Englishmen in diluted form through the writings of Grotius, Hooker and Locke; and that our own democratic doctrines are derived ultimately from the same Catholic sources. He shows that neither Luther nor Calvin sincerely believed in individual liberty, that political justice, the supremacy of law, the relation of contract between the ruler and the ruled, representative government, individual rights, the rejection of the Absolute State and the root principles of international law,—were all developed and accepted long before the Reformation.

The characteristics of the mediaeval conception of civil authority and of individual liberty are well summarized by Father Millar in the following passages:

"The authority of the prince was, indeed, recognized as coming from God, but this was not interpreted in the sense which was claimed for it by Protestant and Gallican rulers after the Reformation. For not only was the prince held to be under God, but also under the law; and in mediaeval conceptions, law was something not made nor created by the ruler, but existing as part of the national life. It emanated from custom, and legislative acts were not expressions of will, but records or promulgations of that which was recognized

as already binding upon men. Hence it represented an authority which even the king could not over-ride. . . . Fully in keeping with all this was the mediaeval conception of contract; that is, of an explicit or at least an implied covenant between prince and people: a conception to be clearly distinguished from the speculations of the seventeenth and eighteenth centuries relating to an original or primitive pseudo-historical agreement between individual members, upon which political society was assumed to have been factitiously founded. The former, which reappears with its correct mediaeval interpretation in Jefferson's wording of the Declaration of Independence, was but a natural and legitimate conclusion from the principle of the election or recognition of the ruler of the community, and from the fact that the mutual oaths of the coronation ceremony constituted an agreement to observe the law and to administer and maintain justice. Moreover, as Mr. Carlyle has definitely pointed out, there is no doubt whatever that the normal mediaeval conception of the ruler was of one whose authority rested not only upon the election or consent of the community, but was exercised under the law and constitutionally, with the advice of persons who were not merely his dependents or creatures but in some sense, however vague and undetermined, the representatives of the community."

April, 1928 JOHN A. RYAN, D.D.

INTRODUCTION

THE reason for the title under which the following essays have been gathered is that the dominant note in all consists in an appeal from the *Zeitgeist* to common sense. The former may be properly defined as that body of opinions formulated by those who, having made up their minds as to what the universe must be like if they are to find consolation in it, stand out as more or less arrogant proponents of an historical, philosophical and religious interpretation of the past based on what were originally gratuitous assumptions, fanciful ideations and even wilful prejudice. On the other hand, human nature being fundamentally sound and better than any false systematic view of things, it follows that common sense, though neither the ultimate source nor exclusive test of truth, is a fair norm for judging and eliminating whatever sets out to maintain itself in contradiction to truth. If in taking this position I have seemed to assume a good deal on my part, I can only say that I have attempted throughout to hold definitely to principles of a philosophy and of a religious teaching which have both been subjected to tests far more serious and searching than ever was the *Zeitgeist* of any age.

Another point is that the interpretation put upon the facts and the principles advocated were not those commonly received at the time when the chapters were originally written

as articles appearing in *America* or the *Catholic World*. Even Catholics were somewhat taken aback at my contention that we do not owe our liberty to Protestantism. Again, the idea that scholasticism could have had an actual and distinctive bearing on political, civil, and legal institutions was decidely novel. Moreover, if corroborative references were sought in respect to the main contentions I have tried to establish, it would in several cases be interesting to make such references to works that have appeared subsequent to the publication of the original article. The views set forth, for instance, on the struggle between Philip the Fair and Boniface VIII would be found well supported by Jean Riviére in *Le Problème de l'Eglise et de l'état au temps de Philippe le Bel* (1926). Georges de Lagarde in *Recherches sur l'Esprit Politique de la Réforme* (1926) substantiates pretty much the views I have expressed. The political ideas on the Reformation and on the significance of William of Occam and Marsiglio of Padua in connection with the political aspect of that event. What I say in the chapter entitled *Does the Majority Rule?* was more fully confirmed by J. G. Heinberg in the *American Political Science Review* (February, 1926), some weeks later. The view I take throughout that the Reformation was a mistake and a misfortune in that it resulted in a general substitution of will for reason is well borne out by what R. H. Tawney sets forth in *Religion and the Rise of Capitalism.*

Some words may be needed in explanation of how I understand the philosophy of history. I have no intention of detracting from Bossuet's great thesis on this head that "l'homme propose et Dieu dispose." What I would controvert are the deterministic and naturalistic or evolutionistic

interpretations of history. The aim has been to stress the point that the past to which we have fallen heirs is the result, though not exclusively so, of the interplay and functioning of men's intellects and wills working against a background of fact and that theories maintained, whether true or false, were for better or worse essential factors in effecting the result, and that the truth or falsehood of the ideas upon which men acted must be taken into account if we would pass judgment upon them and their deeds or on the events and movements of the times they have shaped. The last four chapters, although they do not deal directly with history, have nevertheless a definite bearing on the main purpose of the book in as much as they are intended to illustrate the fact that the Protestant teaching in respect to God and human nature together with its present day denial of the divinity of Christ constitute nothing short of a direct attack on our whole civilization.

I wish to express my appreciation and gratitude to the Rev. J. M. Gillis, C.S.P., Editor of the *Catholic World*, and the Rev. W. Parsons, S.J., Editor of *America*, for their kind permission to reprint these articles in their present form, and to the several friends who have been of invaluable assistance, but whom, by reason of their modesty, I am not in a position to mention by name.

M. F. X. M.

NON-CATHOLIC HISTORIANS AND THE MIDDLE AGES

IN an article entitled "Why is History Rewritten?" contributed to the *North American Review* for February, 1912, the author well observes: "It is little less than tragic that so many historians able to reconstruct the past aright are forced to spend a large part of their lives in attempting to correct the errors made by careless, indifferent, ignorant writers who pose as historians."

One reason for this is given by Mr. F. Stokes, a Protestant, in his introduction to the fifth edition of S. R. Maitland's *Dark Ages.* "It may be assumed," he tells us, "as fairly certain that a Protestant writer dealing with the Dark Ages—a period when Christendom was Roman Catholic—will have a tendency to deal out something less than justice. Even if he be fair-minded—and many ultra-Protestant writers are not—there is danger of what may be called involuntary bias." Another reason, that will explain a large number of these constantly recurring blunders, has been clearly expressed for us by Mr. Hilaire Belloc in one of his shorter historical essays, "Catholicism and History" (*Dublin Review,* 1911, vol. 2), in which he says: "To the most part of historians, writing in a non-Catholic atmosphere or working in a non-Catholic country, Europe—from which, after all, they spring and without which they would not be—is

an unreal thing between the pagans whom they half understand and the Protestant civilization of the seventeenth century, which they fully comprehend, grasp, and hating or loving, at least *know*."

Both these statements are indubitably true and both apply with perfect point to almost every non-Catholic writer who has attempted to deal with the Middle Ages. The impression made on a Catholic when reading such works as Mr. Cotterill's *Medieval Italy*, or *Italy in the Thirteenth Century*, by Mr. Sedgwick, or H. O. Taylor's *Medieval Mind*, or *Civilization During the Middle Ages*, by G. B. Adams, or even Rashdall's scholarly work on the medieval universities, is very much like that felt by an adult when watching the antics of a baby that is unable as yet to fathom the mysteries of the third dimension, or like the emotions one would naturally experience in watching the bewilderment of a Chinaman suddenly transported to the center of some great metropolis and unable to account for the motion of the cars, the trains and the automobiles. They simply cannot understand many of the motives of the men of those times, and when they endeavor to marshal and explain the events that took place during that period, their inability to get the right perspective or give the proper foreshortening, results in something weird, fantastic and unreal. As the procession of rough-hewn giants of those days passes before their mental vision, they stand perplexed. The universal acceptance of a uniform moral law on the part of individuals who, for virility and a strange mixture of simplicity and complexity of character, have no parallels in any other age, presents a problem which to their twentieth-

century post-Reformation, non-Catholic minds, remains insoluble.

In their self-centered, purse-bound subjectivism they cannot understand the manhood of a world which could look for its reward beyond the grave. They sit in their armchairs and behold men either recklessly good or recklessly bad, and are puzzled at the necessity of having to apportion blame between a human nature which they have never seen otherwise than encrusted in conventions and weighted beneath a *Zeitgeist*, and a something else, wholly alien to their imaginations, called the Church. From the low level of a Christianity, become to their thoughts little more than a synonym for civilization, they gaze on the struggles of men contending for principles they themselves cannot grasp, or pursuing aims which it never entered their own doubting souls even to realize. The Crusades were a folly and Monasticism only the perversion of natural instincts; and yet, but for both, where would our civilization be today? St. Bernard, in his zeal against the abuse of logic, exaggerates its dangers and the Church is blamed for her "obscurantism." St. Thomas, in the space of some twenty years, harmonizes the truths of reason and of Revelation and brings the thoughts of two civilizations into marvelous accord within a deep-builded, closely thought, perfectly consistent system, and the untrained mind of the non-Catholic historian, seeing in it nothing but a monument of ingenuity, accuses the Church of being enthralled by a passion for mere hair-splitting logic. Abelard, the medieval rationalist, who thought to prove even the deepest mysteries of faith from reason alone, in a momentary fit of pride stands out for a

time against the decisions of two local councils of bishops, and he is proclaimed the forerunner of Luther and the corypheus of our modern camp-meeting emotionalism, though the fact is that Luther declared that, "There is nothing more opposed to faith than law and reason." The oppressor of his people chooses of his own free will to humble himself at Canossa, and Gregory, the savior of civilization, is branded, in a democratic age, as the contemner of kings. Robert Grosseteste, Bishop of Lincoln, withstands the Pope on a matter of principle connected with the acts of Papal administration concerning his own diocese and he is hailed as "the Protestant of the thirteenth century" despite the fact that he appealed to Rome three times against the Canterbury monks, exhorted the king to fidelity to Rome, championed the Papal subsidy and in his last letter to Innocent IV written the very year before his death "expresses the utmost reverence for the Pope and the Roman See."

When Dante, in a mood that can be appreciated only by those who can enter into the spirit of an age which, in its mirth, could fashion gargoyles on its cathedrals and in its anger build cages for human beings, is seen putting popes in hell his name is numbered among the heralds of modern enlightenment. But when, at the thought of the treatment meted out to the same Boniface whom, in his undiscriminating wrath and scorn, he blames for all his grief and troubles, Dante proclaims it to be his undoubting faith that Boniface is the real Vicar of Christ, the non-Catholic mind stands aghast in amazement at what appears inexplicable. Frederick II is correctly judged to be unprincipled, immoral, and an imperial scoffer flirting with Mohammedanism and yet

by some process of transformation, rivalling that of Dr. Jekyll and Mr. Hyde, he must always be the enlightened, fair-minded, much abused gentleman whenever it is a question of the relations between him and the Popes. Innocent III summons an Ecumenical Council which, because of the number of lay princes freely present or represented, proves to be a veritable parliament of the medieval Catholic and all but federated European nations; and in almost the same breath with which the utter failure of the Hague tribunal to maintain peace is deplored as a sign of the failure of Christianity, we are told of the ambitious aggressiveness and vast usurpations of the Papacy.

How are we to account for this strange incapacity of the non-Catholic mind to comprehend the energy, the thoughts, the hopes and the fears of men who wrought with God at the foundations of that very civilization of which we are a part? The reason is twofold. In the first place those who do not enjoy the inestimable blessing of belonging to the body of the Catholic Church have lost, to use the words of Mr. Belloc, "the priceless sense of continuity." Ever since the Diet of Speyer, 1529, when the protest was made against the conciliatory measures of the Catholic party in Germany which made the religious separation incurable and gave rise to the name of Protestant, there has been a tradition built up to maintain it. This tradition, as thoroughly un-Catholic in spirit as it was anti-Catholic in origin, has for some centuries been running parallel to the more venerable tradition of the Catholic Church, but ever in opposition to it, and thriving and supported by that opposition alone. It has taken permanent shape in the literature and

art and institutions of non-Catholic countries and has clouded the very thought of modern times; so that even the fairest non-Catholic mind revolves now in a sphere entirely eccentric to the smooth uniformity of Catholic thought in the light of which alone the Middle Ages can be understood. Secondly, there are those who are constantly defending a position, when dealing with the history of that period. And these are they who keep the tradition, just mentioned, alive. They cannot touch upon the subject of the Popes without keeping half an eye on the Protestant claim for the unlimited autonomy of the individual in all that concerns morality and religion. Living in an age that, in consequence of Luther's condemnation of reason, which he found too much on the side of the Popes, and that, thanks to Kant's philosophy, is drenched with subjectivism, these historians become subjectivists in history. Any source or authority, however partial, that agrees with the prepossessions of their minds, becomes thereby unimpeachable. The most doubtful evidence, by dint of asseveration, masquerades in time as a downright certainty. Assumptions are made first principles. The wish becomes father to the thought and the sublimest exaggerations are resorted to, that facts of the past may be made to conform to the Protestant mind. Finally when all is said, conclusions are drawn from nothing more imposing than the mere appearance of things. But such methods of reasoning are very unsafe in a world where, appearances notwithstanding, the earth is known to move around the sun.

America,
January 15, 1916

HUMAN NATURE AND "CIVILIZATION"

THE word "civilization" is one of several words that have had their currency value considerably altered since the beginning of the recent European war by the many and various uses to which they have been put. How far this particular word still stands in the average man's mind for anything more definite than "the idea of civilization which floats before the mental vision of a Turk" is problematical. One thing is clear, however; those who attempt to offer any explanation of the word always appear to overlook certain of its connotations which are essential to a thorough grasp of its significance. Every civilization, as history shows, has been the result of man's effort to perfect his nature and to better his condition here on earth. Every civilization, furthermore, as history shows likewise, has in its development been shaped and determined both by the ideas men held with regard to the dignity of human nature and by the religion by which those ideas were fostered. This does not imply that there is not in man a certain desire for well-being and a consciousness of his own dignity common to all times and to every country; it means simply that that feeling and that consciousness have been either crushed, exaggerated or properly maintained according as the accepted ideas with regard to human nature were either true or false. Hence it may be said that the principal difference between the

civilizations of ancient, medieval and modern times lies in the manner in which man, considered as man, has been differently esteemed.

Ever since the days of Cola di Rienzi (1347) it has become almost a mental habit to speak and write in praise of the liberty of the ancients; a careful examination of the facts, however, will reveal that mankind of old did not even conceive the idea of true liberty. State omnipotence survived all changes in the form of every government. Individual liberty, which is the only true liberty, was enjoyed neither under monarchies, aristocracies, nor democracies. To the Roman and the Greek, liberty consisted in the possession of civil rights; but with all the powers these brought with them a man was still the slave of the State. He was a "political animal" rather than a moral being. Away from his city or country he was outside the pale of law; for man, inasmuch as he was a man, had no rights. So long as early religious beliefs were retained they acted as a sanction to these ideas and as a check on the growth of any disintegrating spirit of individualism. But with the increase of knowledge came a gradual emancipation of man's instinctive sense of his own dignity. Having acquired some notion of God, Pythagoras despised the local worships and, rejecting the ancient way of governing mankind, attempted to found a new sort of society. Plato gained a fairly distinct notion of the immortality of the soul and entertained a hopeful belief in a future life. Zeno went even further and taught that man as man had dignity of his own, that he had duties other than civic and that he could *please* the Deity of the universe. These views, however, never succeeded in having

anything more than a disturbing influence on the human mind. They aroused higher ideals, but those who attempted to reach up to those ideals only succeeded in attaining to a sense of their own powerlessness. For, as Plato declared, no one could hold these doctrines with any assurance of their truth until they had been proclaimed and authoritatively established by a Divine revelation, while Seneca asserted that "no one has strength enough to rise of himself, if no helping hand aid him."

How far the feeling of expectation here implied could carry the thinkers of those days, and in what way a Divine revelation was awaited to clear up and sanction man's idea of his own dignity is brought out by Cicero in one of the most remarkable passages in all literature. For we read in his *De Republica*:

> There shall no longer be one law at Rome and another at Athens, nor shall it prescribe one thing today and another tomorrow, but one and the same law, eternal and immutable, shall be prescribed for all nations and all times, and the God who shall prescribe, introduce and promulgate this law shall be the one common Lord and Supreme Ruler of all, and whosoever will refuse obedience to Him shall be filled with confusion, as this very act will be a *virtual denial of his human nature;* and should he escape present punishment he shall have to endure heavy chastisement hereafter.

If we would realize how fully this prophetic utterance was actually fulfilled, we must turn back from our own age to the Catholic Middle Ages; for then, as one Protestant authority has expressed it, "there was indeed war, blood-

shed, rivalry among the nations, but there was unity of faith and universal recognition of the principles of morality." Archdeacon Cunningham likewise asserts that "medieval thought on all matters of human conduct was so formulated as never to leave the relation of man to the will of God out of sight." Institutions, political, social and economic, were permeated with religious habits and exerted authority under religious sanctions, because they were consciously referred to the will of God or to the authorities who were believed to represent Him on earth by whom the Divine will was brought to bear among men.

> As Christianity was gradually accepted with its new view of man's nature and his responsibility, an enormous influence was placed within the reach of those who had authority to speak in God's name, and who warned the disobedient of the danger of incurring Divine punishment here and hereafter. This religious power was steadily brought to bear in favor of protection to person and property, it was used to limit the frequency and mitigate the horrors of war, which was then the chief source of social disorder.

The fact of the matter was that the medieval Christian belonged to an association which gave him the rule of his faith and conduct; and that association he regarded as founded and directed by God himself; but his mind and his heart were raised to God alone and when following the voice of the Church, he believed that he was engaged with his own individual affair which was nothing less than the pursuit of his own eternal happiness.

How this affected the individual's sense of his own dignity is admirably brought out by Scott. Those who have read

his *Waverly* will remember how Evan Dhu, a Catholic Highlander, untouched as yet by the blight of the Reformation, when questioned about his master proudly replies, "My master? *My* master is in heaven . . . you mean my chief." Long before our Declaration of Independence and the French Revolution, St. Thomas had laid it down that "all men are by nature equal," and in another place he goes so far as to declare that "there are things regarding which man is so completely his own master that he may do them contrary even to the commands of the Pope." With all this, however, a due respect for all properly constituted authority was thoroughly inculcated. H. H. Henson, an historian and an Oxford scholar, put the matter very clearly by saying:

> That Christianity elevated the royal power was the result, not of the Church's self-abasement, but of her lofty conception of duty. The great service she bestowed on the kingship was the sense of responsibility; she destroyed the Divine descent and substituted the Divine mission. The prestige of a sacred origin was supplanted by the prestige of a sacred function. In holding out a lofty ideal of the kingly duty, the Church wished to raise the kingly character. At the same time she preached no servile obedience.

Now, strange as it may sound to some, all these ideas have been gradually lost to our modern civilization. The *feeling*, indeed, of man's dignity was never stronger. Man, his reason, and imprescriptible rights, have been the perpetual theme of every demagogue since the French Revolution. But "this sort of people," as Burke well noted at the time of that event, "are so taken up with their theories about the

rights of man, that they have totally forgotten his nature." Never have men's ideas been less clear and distinct with regard to their duties. Revolutions have upset everything in theory and in fact. Beginning with Machiavelli and Luther, what do we find? Both proclaim the essential depravity of human nature. Both, each in his own way, inferred that ethics and faith are distinct from political and civic life and that the art of government is out of relation to morals and religion. The result in either case was a rebirth of the old pagan despotism with the Protestant variation of "passive obedience," "the Divine right of kings," and the principle *cuius regio hujus religio,* all amounting to what Cicero would have called a virtual denial of man's human nature. Well could A. Comte describe the absorption of the rights of the Church, due to the Reformation, as "a relapse into barbarism."

As a reaction against this mean idea of human nature and the conditions which it engendered, came Rousseau with his declaration that human nature was essentially good; and, despite the fearful contradictory evidence furnished by the French Revolution, this idea is that of our own times. Protestantism had exaggerated the idea of a just God into a terrible avenging Deity, and in the revulsion from this belief all idea of Divine justice was lost. With it disappeared also the sense of personal responsibility. As Mr. P. E. More well says:

> The very notion of a radical and fundamental difference between good and evil was lost. The evil that is apparent in character comes to be regarded merely as the result of the restraining and thwarting institutions

> of society as these exist: why, no one can explain. Envy and jealousy and greed and the sheer lust of power . . . are not inherent in the human heart, but are artificially introduced by property and a false civilization. Change these institutions or release the individual entirely from restrictions and his nature will recoil spontaneously to its natural state of virtue. He need only follow the impulse of his instinctive emotions to be sound and good. And as man feels of himself, so he feels of others; there is no real distinction between the good and the evil, but all are naturally good and the superficial variations we see are caused by the greater or less freedom of development. Hence we should condemn no man even as we do not condemn ourselves. There is no place for sharp judgment and the laws which impose penalties and restrictions and set up false discriminations between the innocent and the criminal are subject to suspicion and should be made as flexible as possible. In place of judgment we are to regard all mankind with sympathy; a sort of emotional solidarity becomes the one great virtue, in which are included, or rather sunk, all the law and the prophets.

In short, humanity, like Narcissus, forgot the proper object of its love and reverence and became enamored of itself. But, alas, this religion of the ego, in its utter failure to furnish a solution for post-war problems, has proven its absolute futility. Its former adherents in the bitterness of disillusionment, and lost in a maze of sceptic criticism, are most in need of true humility through which they might regain the high idea of man's dignity lost during the Renaissance and the Reformation.

America,
March 31, 1917

THE BREAK IN CHRISTIAN CIVILIZATION

IF we consider the Middle Ages and modern times as parts of one Christian civilization, we shall notice that the chief point of difference between the two is to be sought not in the principles underlying each, but in the degree and manner in which the selfsame underlying principles are understood and accepted. Medieval civilization was built up on principles which were clearly understood and generally acknowledged as certain, and, as a result, were gradually embodied in definite institutions. The civilization of modern times, on the contrary, has inherited almost all its important institutions from the Middle Ages, but while the principles which these institutions embody have been partially accepted, it is perfectly evident that they are for the most part anything but clearly understood. The consequence is that modern civilization has been reduced to the precarious necessity of existing on its institutions without being able to demand a reasonable acceptance of them. For their maintenance, it has had to rely instead almost exclusively on force or on the natural tendency in human nature to conservatism.

Now all this implies a serious break somewhere between the Middle Ages and modern times. It is wrong, however, to think that the break began with Luther and the Reformation. Luther, together with two other men, as we shall see,

an Italian and an Englishman, did play an important part in definitely settling the breach; but Luther would never have succeeded in his self-appointed task of perverting the teachings of Christianity had not Europe already been thrown into a state of intellectual, political and religious chaos. Another misconception that must be cleared away is that medieval civilization died of old age or was worn out. As Archdeacon Cunningham well says, when contrasting the end of the Middle Ages with that of the Roman Empire: "In Christendom there was disruption rather than decay." The event, moreover, which proved the real beginning of that disruption took place at the very time when the Middle Ages were displaying as never before their marvelous powers of assimilation, and were showing signs of the greatest promise for the future. Some twenty-five or thirty years after St. Thomas finished the "*Summa*," in which the best thought of Greece and of Christianity were blended into one harmonious and logical whole, six years after Archbishop Winchelsey with a Papal Bull in his hand had wrung from Edward I of England the concession that henceforth there was to be "no taxation without representation"—a Christian development of what has been called "a Teutonic invention"—and almost at the very time when Dante was fusing into the one organic whole of the "*Divina Comedia*" all that was noblest in the conceptions of antiquity with what was most sublime in Christian thought, a deed was perpetrated which, in the light of its consequences, cannot be appreciated in its full historical bearing except by those who have retained something of the old Hebrew and medieval faith in Divine retribution.

In 1303 Philip the Fair, through his agents, laid violent hands on the Papacy, and from that time on, all consistent progress during the Middle Ages was brought to an end. It may be interesting to note, moreover, that at this particular time in modern history the quarrel between Boniface and the King of France arose, more or less directly, over the question of war between Philip of France and Edward of England. As Mr. H. W. C. Davis has expressed it: "For an attack upon a Christian power" during the Middle Ages "it was necessary that some just cause should be alleged. Public opinion, educated by the Church to regard Western Christendom as a single commonwealth, demanded that some respect should be shown to the moral code even in international relations." Now if the war which Philip was waging was not unjust in itself, the means he used in its prosecution certainly were, inasmuch as it was carried on principally by money obtained from the arbitrary taxation of the Church. And if Boniface exerted himself, as far as possible, to prevent both the one and the other, he was but following the example of his predecessors, who for many centuries had been acknowledged umpires between the different countries. Philip won, however and henceforth wars became more lasting and disastrous in Europe, as the Hundred Years War and the War of the Roses testify.

The peace of Christendom was shattered in consequence of the deed at Anagni, and the keystone of medieval civilization having been loosened, the whole arch began to crumble. Owing to the prolonged residence of the Popes at Avignon, the political center of gravity of Europe was disturbed. In Petrarch we see the beginnings of an unassimi-

lated paganism in literature and of a thoroughly pagan individualism in character. At Milan, for the first time, we find an Italian commune transformed, through tyranny, into a modern pagan State, and in the person of Gian Galeazzo Visconti we are presented with the first example of the absolute rulers of the fifteenth and sixteenth centuries. The universities, which had been a thoroughly medieval creation, began to wane and scholasticism to decay, not through any defect in the organization of the first or because of any refutation of the latter, but simply for the reason that owing to the disturbances of the times there was a dearth of philosophers and a relaxation of studies. On top of most of this came the Great Schism of the West, with all the confusion and lukewarmness and the heresies of Wyclif and Huss that followed in its train. The question of the schism once definitely settled, however, there was indeed the wish, and on the part of several of the Popes a strenuous effort, to effect a real disciplinary reform of the Church. Two serious obstacles nevertheless stood in the way. In the first place, because of the wide diffusion of the writings of such men as William of Occam and Marsiglio of Padua, whose ideas were entirely subversive of the Divine constitution of the Church, the convocation of the General Council became a dangerous matter. Secondly, since civil and ecclesiastical life were still at that time most closely bound together, every effort to reform the Church seemed bound to awaken national and political opposition. Princes were only too anxious to see the Church reformed so long as they were not called upon to reform themselves or to give up any

source of revenue which might happen to be detrimental to the disciplinary welfare of the Church.

Such, then, was the condition of Europe when the three men appeared who definitely turned the back of modern times on a once united, wholly Christian, clear-thinking age. However much Machiavelli may have been a child of the times, the fact is that his writings became the special study of the rulers and princes who came after him, who for the most part approved of and applied the principles they contained. Hence by his definite and utter divorce of all morality from political life he made it impossible for any union to exist among the nations; by his advocacy of the principle that the end justifies the means he merely approved himself a perfect Mephistopheles to such, among many other characters, as Catherine de Medici, Frederick the Great, Bismarck and Cavour; and if nothing sounder has yet been found as a basis for international relations than mere expediency, it is due to the fact that Machiavelli more than any one else has confirmed modern times in their ignorance of the moral and Christian political principles of the Middle Ages.

Luther, on the other hand, by his doctrine of "justification by faith alone" widowed religion of all reason. Faith having been reduced to a mere matter of individual sentiment, the religion of Christendom was soon broken up into sharply conflicting sects; and it was with the consequences of this in mind and of the effort to bridge all differences on the skeptical ground that "one religion is as good as another," that Carlyle could write in perfect truth: "The

hungry young . . . looked up to their spiritual nurses, and for food were bidden 'eat the east wind.' " If at this date the real teachings of the Catholic Church of medieval and of modern times still remain a subject on which the crassest ignorance is displayed by the non-Catholic world, it is due to Luther and the blind prejudice which he created.

The last and only one of these three men to give anything like positive direction to modern progress was Bacon. To speak of him, however, as the originator of the principle of induction is wrong. This principle was known to Albertus Magnus and others in the Middle Ages and was applied by them before medieval civilization began to break up. What Bacon did was to insist anew on the method of induction to the exclusion of all knowledge of the principles and method of deduction taught by Aristotle and by the medieval schoolmen. With metaphysics thus thrown out, we can indeed boast of a tremendous scientific development in our times. But science without the control of higher general principles is of little consequence except for such materially practical purposes as cooking a dinner or waging a war on the scale of the one recently waged in Europe. Until a return is made to the metaphysical principles of medieval scholasticism there can be no unity or agreement among the different sciences themselves or between science and religion.

Thus, then, was it that the breach was effected in Christian civilization and by these means has it happened that the great civilization of the Middle Ages "is much more lost to us than pagan antiquity was to the Jacobins." With Christendom rent by political theories devoid of moral prin-

ciples; with all religious faith, outside of that of the Catholic Church, bereft of a rational content, and therefore at odds and ends with science, and with science robbed of its sound foundation in metaphysics, and hence all but professedly anti-religious, we have truly much to learn of the so-called "Dark Ages."

America,
April 7, 1917

THE MEDIEVAL ACHIEVEMENT

IN the midst of his terrified surprise at the appearance of the ghost in Hamlet, Marcellus is made to give expression to the conviction that "something is rotten in the State of Denmark." A similar and no less natural conclusion, with regard to our once much-vaunted civilization, seems now to have been wrung from the minds of thinking people by the great European war. But amid the babel of dissenting voices, suddenly raised in criticism of that civilization, and while considerable sections of the civilized world seem to be lingering in Hamlet's unchristian state of mind regarding the answer to the question "to be or not to be," it is cheering to recall the exuberantly sane statement of Mr. G. K. Chesterton which points at the real sore spot in our civilization, and suggests the true remedy, "There was a great civilization," he tells us in the *New Witness* for December 9, 1915, "full of the finest answers to our fiercest questions which is much more lost to us than pagan antiquity was to the Jacobins. It was the medieval achievement; and remaking it must be the modern achievement." To most non-Catholics, or to those unacquainted with the real history of the past, this statement must necessarily sound rather gratuitous, yet in all its parts it is undeniably true.

To begin with, we may take it that a civilization will be great and vigorously progressive in proportion to its power

of assimilating or rejecting, through the force of underlying dynamic principles, fully in accord with human nature, all those heterogeneous elements that are brought into it from without or that have grown up in its midst. This we see was true of the two greatest civilizations of antiquity. It was owing to her underlying principle of legal justice that Rome, though a military power, was able to establish her vast material civilization, for in assimilating the various legal notions of her subject races she built up that system of law which, more than anything else, proved the real bond that held her empire together. Athens, on the other hand, failed to secure territorial dominion, but on the principle of the "golden mean" she assimilated the thought of Egypt and of the East and developed an intellectual civilization which she succeeded in imposing even on her conqueror. Both these, however, went down, as distinct and living civilizations, before the inroads of the barbarians because Rome, while clinging to a pagan religion in which she no longer believed, refused to be assimilated by Christianity in time. Now it was on their ruins and with the addition of that Teutonic element brought in by the invasions that a new civilization was soon patiently reared which for its power of assimilation has never been equaled by any other in the whole history of the world. There was this peculiarity, however, about the new civilization which we now call medieval; its underlying principles cannot be stated in one sentence. They are nothing more nor less than the whole of Christianity, and Christianity being a fact and not a philosophical system, cannot, as Newman well remarks somewhere, be summed up in a single proposition. The nearest thing to a

clear statement, if we must have one, of the fundamental dynamic principle behind all progress during the Middle Ages is without doubt to be found in that precept which our Lord gave in His Sermon on the Mount, "Seek ye therefore first the Kingdom of God and His justice." In accepting this we may then consider the wonderful medieval achievements, as the men of those times certainly did conceive of them, viz., in the light of confirmations of the Divine promise: "and all these things shall be added unto you."

But to turn to the achievements themselves to which the principles of Christianity gave rise. The first was necessarily a point of view, and what the medieval point of view was may best be told in the words of a non-Catholic historian. Says H. W. C. Davis in his work on *Medieval Europe*:

> What appeals to us in the medieval outlook upon life is, first, the idea of mankind as a brotherhood transcending racial and political divisions, united in a common quest for truth, filled with the spirit of mutual charity and mutual helpfulness, and endowed with a higher will and wisdom than that of the individuals who belong to it; secondly, a profound belief in the superiority of right over might, of spirit over matter, of the eternal interests of humanity over the ambitions and the passions of the passing hour.

Here we see, as W. Cunningham, another Protestant authority, has expressed it in his book on *Western Civilization*, how "the claim that Christian influence should be supreme in all the relations of life had been admitted in the foundation," and, as the same authority goes on to

state: "This attempt to control the life of man in all its aspects is of the very essence of the Christian religion. *Homo sum, humani nihil a me alienum puto,* is the Divine word to the world."

The next two features of medieval civilization that force themselves most powerfully on our notice bring out more strikingly, perhaps, the assimilating powers of that age. The tendency of Roman civilization had been toward solidarity, while that of the civilization of Athens had been in the direction of a harmony in the things of the mind. Now it is a fact, though little noticed, that both these tendencies are seen to reappear in the Middle Ages; but as each takes its rise from a thoroughly Christian starting point, the result is that we have something entirely new, and characteristically medieval. The Roman Empire had been created by military prowess, whereas the foundations of the civilized society of medieval Christendom, on the contrary, were laid by religious authority. On the other hand, just as the Greeks had sought for harmony in beauty, so the medieval thinkers succeeded in finding it in the more important realm of theological and metaphysical truth.

Both these points are important, and in order to illustrate the first one and show how much of a reality the unity of medieval Christendom was we shall quote again from Archdeacon Cunningham. He writes:

> In looking back from the present time, when political and religious differences have done so much to accentuate the divisions of Christendom, we are apt to forget its solidarity in bygone days. In the thirteenth century the ecclesiastical organization gave a unity to

the social structure throughout the whole of Western Europe; over an area in which the Pope was recognized as the spiritual and the Emperor as the temporal Vicar of God, political and racial differences were relatively less important. For economic purposes it is scarcely necessary to distinguish different countries from one another in the thirteenth century, for there were fewer barriers to social intercourse within the limits of Christendom than we meet today. Latin was the only literary language, and the student who passed from one university to another found himself everywhere at home, in the method of teaching and the course of study to be pursued. The merchant who visited a foreign port, or the artisan who sojourned in a distant town, was confronted with restrictions or aided by facilities which were familiar enough to him at home. There was little in the churches of different parts of Christendom to distract the worshiper by unaccustomed rites. Similar ecclesiastical canons, and similar law merchant prevailed over large areas, where very different admixtures of civil and barbaric laws were in vogue. Christendom, though broken into so many fragments politically, was one organized society, for all the purposes of economic life, because there was such free intercommunication between its parts.

As regards the intellectual life of the medieval nations the following words of H. W. C. Davis are very apposite. "We must judge them," he says, "by their philosophy and law, by their poetry and architecture, by the examples that they afford of statesmanship and saintship. In these fields we shall not find that we are dealing with the spasmodic and irreflective heroism which illuminates a barbarous age. The highest medieval achievements are the fruit of deep reflec-

tion, of persevering and concentrated effort, of a self-forgetting self in the service of humanity and God." Outside of a few exceptions such as Abelard and Roger Bacon, most medieval thinkers were of the firm conviction that no one human intellect is sufficient unto itself, and thanks to this conviction we see them so supplementing one another in the gigantic task of building up a body of truth on the basis of Christian Revelation and pagan philosophy that as a result, instead of the ephemeral, half-digested, mutually contradictory, one-man philosophies of modern times, they have left us a system of philosophy for all time; and only those who have made a study of this philosophy can realize the depth of meaning in Mr. G. K. Chesterton's statement that medieval civilization was "full of the finest answers to our fiercest questions." Such then, was the medieval achievement which it must be the modern achievement to remake: Christianity entering into all the relations of life, a united Christendom and a sound philosophy.

America,
April 1, 1916

THE JUSTIFICATION OF LUTHER BY HISTORY ALONE

THE profession of Protestantism has a tendency to produce in even its most liberal-minded adherents a peculiar psychological disposition. It becomes all but insuperably difficult for them to estimate correctly Luther's character, or judge truly of the events that took place at the time of the Reformation. And yet recent non-Catholic research has in many respects radically modified Luther's sweeping condemnation of Rome. In this connection we are forcefully reminded of the words of Thomas Carlyle: "Only what of the past was *true* will come back to us. That is the one *Asbestos* which survives all fire and comes out purified; that is still ours, blessed be heaven, and only that. By the law of nature nothing more than that; and also by the same law, nothing less than that. Let art struggle how it may, for or against—as foolish art is seen extensively doing in our time—there the limits of it will be." Nevertheless, with regard to such results of modern historical research, it must not be forgotten that, as one Protestant authority has remarked, "whatever is gained in this way by Catholicism is a loss to Protestantism." And the clear reason for this, as the Protestant mind feels only too instinctively, is that the degree of Luther's justification in his break with Rome, and hence the real justification for the very existence itself of

Protestantism, depends upon the degree in which the Catholic Church is wrong. Unless the Protestant be prepared to allow in his entire conception of the moral order a transformation similar to the change effected in the civilized conception of the physical universe by the verification and gradual adoption of the theory of Copernicus, he must for the sake of his own peace of mind be able to formulate some reason for maintaining that the Church was somehow wrong and Luther in one way or another right. To begin with, of course, he always has the initial fact that Protestantism does exist, and that therefore an adequate reason for the breach between it and the medieval Church must somehow or other be forthcoming. But to conclude immediately that the Church must have been wrong is as unsatisfying as it is untrue. It were as correct to declare that she was wrong for any of the reasons at different times varyingly alleged in justification of Luther's action. Willing as many Protestants have always been to study the hazy tenets of the Vedas, Buddhism or Islam, they have doggedly ignored the clear teachings of Catholicism, and have based their reasoning on grounds supposedly historical. Hence their reasons at the present time may be reduced to two: the need in Luther's day for a radical reform and the need for greater liberty.

Apart from the contradiction which stands out on the very face of the two-fold claim advanced, and which will be dealt with more fully in a moment, we cannot refrain from calling attention to the words of Hilaire Belloc that appeared in *America* a good number of years ago: "Such phantasies in the place of truth," he says in another though

strikingly similar connection, "divorced its victims from Europe, and went counter in their effect to the whole stream of civilization. They warped the vision of Christendom. They lent false strength to vain things, and hid the powers of things alien but strong."

What is to be said of the contradictory claims brought forward or implicitly assumed by many whenever they attempt to justify the so-called Reformation? It is asserted that in Luther's time there was need of a radical reform, need of greater liberty. In general, it must be noted that for the decided majority of Protestants there can no longer be any question of a doctrinal reform, since in all matters of belief they now stand poles asunder from those who first accepted Luther's teaching. So far is this true that in respect to the very point with constituted Luther's chief doctrinal pretext for breaking with the Church of Rome—the doctrine namely of faith-without-works—the pendulum has swung completely to the wholly opposite extreme, and stress at the present hour is being laid almost entirely on the humanitarian value of works, with scarcely any or no insistence on the importance of faith. With regard to Luther's further doctrines—developed for the most part after his separation had become an accomplished fact—they are of little more importance today than those of Arius, except in so much as they may be shown to have influenced Kant in his philosophy or Bismarck and others in Prussian politics, or still others in the general trend of so-called modern thought. For with the sole exception of the doctrine of private judgment, which even Luther saw the need of contradicting in practice, these doctrines as he propounded

them no longer command the adherence of any single influential body of thinking men.

We turn, therefore, to the two-fold assumption that there was need of a radical moral reform in Luther's time and a call for greater freedom, and that by effecting the one and answering the other, he has eternally justified himself before the judgment of history in spite of the worthlessness of his teaching. Now it is to be well borne in mind that a reform, as understood by even the average intellect, necessarily involves some legitimate restriction of human freedom, either because of irregularities in its enjoyment or because of its degeneracy, amounting to license. Hence to speak in the same breath of a radical need for reform and a rightful demand for greater freedom is to be guilty of patent contradiction. The possible contention does remain, of course, that all the abuses in the sixteenth century consisted in an unjust use of power on the part of Rome, such as to make people feel warranted in conscience in breaking with her so as to seek a freedom more consonant with the true needs of our human nature; which latter, however, be it parenthetically noted, Luther was ever at great pains to revile as being wholly sinful. But in opposition to this, stand the words of the French Protestant historian, Guizot. If limited to the reign of Pope Leo X, the time when Luther first openly declared his opposition to the Church, these words —with certain restrictions, some of which will appear in the sequel—may be considered as substantially accurate. "It is not true," says he, "that in the sixteenth century the court of Rome was very tyrannical; that abuses, properly so-called, were then more numerous, more crying, than they

had been at other times; never, perhaps, on the contrary, had the Ecclesiastical Power been more easy, more tolerant, more disposed to let things go their own way. Provided that it was not itself called in question, provided that the rights which it had formerly enjoyed were allowed in theory, that the same existence was secured, and the same tributes were paid to it, it would willingly have allowed the human mind to remain at peace, if the human mind had done the same in respect to it."

If Luther is to be justified then and the Catholic Church put in the wrong, there only remains the possible claim for the need of a radical moral reform. The word "radical" is used advisedly. For the Church's claim to a divine institution, a matter of faith thoroughly substantiated by her past, was universally admitted throughout Europe at the beginning of the sixteenth century. Hence, as we shall see, the conviction was general that she could never stand in need of a reform in her essential and constitutive elements: in her dogmas and her moral principles, her sacraments and the three-fold power to teach, to govern and to sanctify men. All these essential elements, inherited directly from Christ, her Founder, by whom she was divinely established as a necessary means for salvation, had been forever placed under the protection of the Holy Ghost, Whose guidance renders the Church infallible in her teaching, unchangeable in her constitution.

Thus, as she stood divinely revealed in bold relief and in solid, unique grandeur amid the ever-varying fluctuations of the ages, she was viewed as having her existence in time, to be sure, since visibly on earth, but above and beyond

time's influence. That this was Luther's view even so late as 1516, is evident from a statement in one of his sermons of that same year. "The Church cannot err," he says, "in proclaiming the faith; only the individual within her is liable to error. But let him beware of differing from the Church; for the Church's leaders are the walls of the Church and our fathers; they are the eye of the body and in them we must seek the light."

On the other hand, it is clear that the Church, though established for the salvation of mankind and destined to guide the nations through all the stages of historic development, does present a variable side. In her members and in her accidental outward forms and external relations, she is made to feel the effects of time in a thousand ways; now in the guise of some extrinsic assistance in the display of her power for good, now in the guise of a check on the full manifestation of that power and its normal exertion. As a consequence, she will be found making use of one means in one age, of another in the next, in order that her labors may be rendered fruitful and salutary. This subjection, moreover, to temporal influences extends even to those who are the depositaries of her power, but who, not unlike other men, are exposed in their personal lives to temptation and are liable to fail in their religious and moral conduct. Then, too, measures adopted and institutions created which, though of human origin, are in principle perfectly conformed to the spirit of the Church, may in time come to lose their usefulness and grow to be a source of harm by reason of gradually mingled elements incompatible with that spirit. Thus it may happen, and has happened, that unfavorable

influences, when allowed to exert their effects for a considerable time on events and on the spirit of the people, have altered the accidental external forms and customs in the Church, and, undermining the moral and religious condition of a large number of the faithful, have brought them into a state of mind and feeling little in accord with her true spirit, and with what by reason of her sacred mission must be the real aim of her persistent endeavors.

This was precisely what had occurred by the close of the fifteenth century. The Holy Roman Empire of the German nation had become a drag and a hindrance instead of a help. The Hohenstaufen emperors and Frederick II in particular had neglected what were real interests at home, and, urged on by the dream of emulating the pagan emperors in the exercise of an unlimited power wholly incompatible with all Christian ideas, had inaugurated a long struggle with the Popes in Italy in entire disregard of the Church's independence. The result had been that the empire had fallen a prey to the usurped power of petty princes, and by the time that Luther appeared the executive power of the emperor had been so weakened that he was utterly unable to hinder, much less to punish, any of the flagrant breaches of the public peace which had then become a frequent occurrence. Even back in the year 1451, Cardinal Nicholas of Cusa, with the foresight of the real reformer that he was, had raised a warning voice. "The empire," he says, "is attacked by a mortal sickness, and will certainly perish if a cure be not immediately found. What but ruin," he goes on to ask, "is to be expected when each one thinks only of himself? If the sovereign hand has lost its power to

quell interior dissensions, avarice and greed will prevail, war and private quarrels will increase, the dismembered empire will go to ruin, and what has been unjustly acquired will be squandered." Such then was the state of Germany, and no one who has studied the events that followed Luther's apostasy can help but feel surprised at the accuracy with which this prediction was fulfilled; a fulfillment, however, which, thanks to the efforts of the noble cardinal and others, was much further removed from the inevitable in Luther's day than it appeared to be over half a century previously when the prediction itself was uttered.

If on the other hand, from Germany we turn to France, we find that things there had taken an entirely opposite course. Driven by the necessity of pushing the English out of the land, the French nation had thrown great power into the hands of her kings, who in turn used it to suppress the turbulence and reduce the strength of the nobles. Thus in 1492, by the marriage of Charles VIII and Anne of Brittany, France became a thoroughly consolidated kingdom, internally strong and prepared to interfere in the domestic affairs of her weakened neighbor to the east or to start on a career of conquest by invading the brighter and more alluring lands across the Alps where

> . . . is spread like a green sea
> The waveless plain of Lombardy
> Bounded by the vaporous air
> Islanded by cities fair.

The latter course was the first to be followed, and Italy became an apple of discord between an emperor powerless

now to protect the interests of the Church, even had he been thoroughly willing, and a French king ever ready to push the false claims of Gallicanism which, though abrogated by Louis XI, had been revived anew, the better to serve the ambitious purposes of a strong ruler in his growing absolutism. In the ensuing struggle, in which the Swiss and the Republic of Venice soon became involved, the Popes, ever mindful of the days of Avignon, saw themselves obliged to side now with one and now with the other of the two contending parties, if they were to safeguard the interests of the Church and preserve their independence. To complicate matters, Spain, whose union had been secured by the marriage of Ferdinand and Isabella, and had become firmly established by the expulsion of the Moors from Granada in 1491, was called in to offset the danger that threatened from French preponderance. England, meanwhile, as a result of the War of the Roses which had been brought to a close at the Battle of Bosworth (1485)—that is, two years after the birth of Luther—had become thoroughly plastic material in the hands of her Tudor kings. Under the guidance of Wolsey, with a view to enhancing her prestige on the continent, she was gradually initiating a policy which, after the Lutheran catastrophe, when nothing better could be found, was to become the sorry substitute for the arbitral power of the medieval Popes, and was to be known as the policy of the balance of power.

At the time, however, it was nothing more than an obstacle, though a serious obstacle, thrown in the way of the earnest efforts that were being made on the part of the Pope to bring about peace among the Christian princes. For it

must be clearly remembered that in the year 1517 the solidarity of Christendom was still a reality to the minds of all those living at the time. Any tendency which was seen to be contrary to a fuller realization of that solidarity, was loudly deplored as something abnormal and contrary to the spirit of the Christian religion. This general solicitude for the solidarity of Christendom is proved by the insistent demands for peace that issued out of Spain and other countries; by the attitude of the many bishops gathered from various lands at the Lateran Council held from 1512 to 1517; and by the manner in which the appeal made by Pope Leo X in 1517 against the Turks was received by the Christian princes themselves.

With this in mind, there is room, certainly, for very reasonable speculation as to the natural prospect of Europe at this time had not Luther accidentally united the variously conflicting elements of discord. He threw a barrier across the proper course along which the civilization of Christendom would otherwise have flowed, and thus brought to the surface the evil tendencies of the age.

Charles V, as will be easily recalled, was just about to become emperor, and in him Spain, Germany, including Austria, the Netherlands and Naples, together with Sicily, Sardinia and Corsica, were about to be united. In Germany the efforts of Maximilian I to reduce the princes to proper submission, together with his endeavors to raise an army against the Turks, had in every case been frustrated by his inability to gather in the necessary funds. Charles, on the other hand, was to have the unlimited resources that flowed in from his possessions in Spanish America. The great am-

bition of his life, henceforth, was to drive the Turk out of eastern Europe. And, most important of all, he was to swear at his coronation to protect the Church and maintain the rights of the Holy See—an oath which, on the whole, he observed throughout his long and eventful reign. What he might have done is perhaps best judged by two of the principal events of his life:—the one after the battle of Pavia, in 1525, when he held the French king entirely in his power; the other when he succeeded in completely defeating the Smalcaldic League at Mühlberg in 1547.

But what, all this while, was the state of affairs within the Church's own more intimate sphere of influence? Bad, indeed, to be sure, nor from the political conditions could it well be expected to have been otherwise; but it was not hopeless, by far, nor did it call for anything like the radical reform which the Protestant assumption does and must imply as having been necessary if Luther is to be at all justified. The deed of violence perpetrated on Boniface VIII by Philip the Fair through his emissaries at Anagni in 1303, had been followed by the saddest results. Not only did the Popes find themselves weakened in their temporal power through the perfidy of the French king—and to the great harm of Europe—but, owing to their consequent removal to Avignon, they became gradually suspected of a lack of independence. In consequence, moreover, of the real need in which the central government of the Church stood during the period of the Papal residence at Avignon, it was found necessary to adopt a system of taxation which in time furnished a dangerous precedent, and became more and more an oppressive burden, especially in Germany. But in spite

of the many complaints to which abuses arising from this source gave birth, the antipathy towards Rome, intensified by a national hatred of the Germans for the Italians, did not take a dogmatic tendency until Luther had succeeded in confusing the whole question of Papal taxation with the question of indulgences. This confusion, however, he would have been wholly unable to effect had not the evil soil in which he planted been otherwise more fully prepared for him. After the return of the Pope to Rome when everything seemed to promise a thoroughly disciplinary reform in the Church, the great Schism of the West, another result of French influence, broke out in 1378. While it lasted, it not only obscured men's minds as to the necessity and divine origin of the Papacy, thereby adding fresh vigor to the false principles of Gallicanism, but rendered it furthermore possible for the Church's proper control of the religious life of the nations to get considerably out of hand. The schism itself was healed in 1417 by the election of Martin V, but many a dark cloud still hung on the horizon, awaiting only the direction of the wind to scatter definitely or gather anew for a fresh storm. The bishops in Germany were for the most part incapable or worldly. Not merely were the clerical dues frequently seized by the princes, but positions in the cathedral chapters and episcopal sees were, in many cases, handed over arbitrarily to the members of the nobility. As Duke George of Saxony said in Luther's own day: "It is as clear as daylight that the origin of all this heresy, with which God is visiting us, lies in the way in which the prelates enter into the Church; for God says, 'He that entereth not in at the door is not the shepherd.' Now it is

alas! not the least scandal of Christendom that we laymen of high and low degree do not take heed of those words, for, when we appoint our own children, brothers and friends to bishoprics and other Church dignities, we are not concerned about the 'door,' but only how we can manage to push our own people in, whether under the threshold or in through the roof, we do not care. These gentlemen, moreover, who enter in this manner behave as if they had bought their benefices for their own heritage and had full rights in them. Hence it follows that the sheep imitate the shepherds and incur the wrath of God as alas! is seen day by day."

In addition to the state of affairs thus indicated—an evil state, however, more than paralleled by the abuses and evils from which the Church plainly recovered through the reform instituted by Gregory VII in the eleventh century—there had been, previously to the time when the Lutheran movement began to break down the remaining barriers of restraint still standing between order and anarchy, powerful forces—intellectual as well as material—which had been brought to bear on European civilization, but had nothing whatever to do with religion except indirectly in so far as they might be made to subserve the purposes of tendencies, good or bad, that were being independently displayed at the time. Of such forces, Humanism had received its greatest encouragement from the Popes. Once it had been twisted to the views of such vile characters as Ulrich von Hutten—the first real sponsor of Luther's agitation—it became a source of grave danger to anything like order in society. The art of printing invented between 1450-1456—lacking which Protestantism must have died at its birth—would have

proved just as efficient in furthering the less popular aims of a real reform for the whole of Europe, had time been allowed, as it turned out to be a telling means for the rapid spread of what every reputable historian has come to recognize as Luther's destructive programme of lies and gross slanders against the Church. That with such a programme Luther should have managed to carry his doctrinal points in the face of their clear confutation by Dr. Eck and other men of learning so superior to his own, is easily explained by the mental confusion then prevalent. Finally there was a tremendous spirit of worldly enterprise awakened at this precise period by the various discoveries that were being made overseas. Had Europe as a whole continued to recognize the religious authority of the Church which until then, to the great profit of humanity, had alone kept individualism in check, this spirit might have done much more for the general prosperity of Christendom by drawing the nations more closely together. In corroboration of such a statement we need only appeal to the fact that, whereas Spain and Portugal, though the nearest of neighbors, were saved from all serious quarrels during the whole period of their wide colonial expansion by the arbitral decision of Alexander VI in his Bull "*Inter cetera*" (1493), England, whose prospects were in no way affected by the Bull, was led into continual wars with both France and Spain, while Germany, owing to the centrifugal spirit of her princes and people, remained a mere geographical expression down to the year 1870.

There were, then, evils. If ambitious Hohenstaufen emperors disregarded the independence of the Church, they

also weakened their own executive power and played into the hands of petty princes. If unscrupulous French kings grew powerful to oust the English invader, they threatened the empire and attacked the Pope in his temporal power. If Italy became the apple of discord, the emperor was powerless to protect the interests of the Church, at a time when the French king was anxious to push the revived false claims of Gallicanism. If Gallicanism, furthered by the exile of the Popes at Avignon and by the Great Schism, was bad for the Church in France, the worldliness of many German bishops stood in the way of much that was good for the Church in Germany and for the empire, the Church's protector for centuries. Finally, whereas the arbitral power of the Pope had satisfied on a basis of common consent the general solicitude for the solidarity of Christendom, its sorry English substitute, the balance of power, was still in its incipient stage and hence, while detracting from the influence of the Pope, was unable to effect peace even on the basis of a selfish expediency. Such changes, political and in part religious, were bad enough. In the intellectual and economic world, the distortion of Humanism, the introduction of printing, the discovery of the New World, promoted individualism and the spirit of a mad worldly enterprise to the neglect as well of religious authority as of the general prosperity of Christendom. In such a tremendous crisis of the world's history Luther was shrewd enough, underhand enough, base enough, to confuse issues. And of the existing evils he clearly took a sad advantage, when he came to spread his doctrines; doctrines whose only warrant was to be an impatient and overweening confidence in his own limited

intellectual powers fostered by an unconquerable pride and obstinacy.

It only remains to show that Luther was not the first to send up the cry of reform, but that Europe was already on the way to a slow reform when he used as a pretext for effecting a sudden and widespread revolution a cry which had been in the air for over a century.

From what has already been said with regard to there being a variable side to the Church, it is clear that in a certain sense she is always reforming herself and always renewing her life. In every age there will always be found in the thought and in the life of the times much that is conformable to her dogmas, her sacramental dispensation and disciplinary principles and regulations. On the other hand, there will ever be much that either fails to harmonize with or contradicts that sacred deposit which, divine in its origin, she must ever keep intact and guard and uphold. Hence, the Church, with a foresight thoroughly peculiar to herself, never has been slow to encourage and foster whatever made for real progress and the true betterment of mankind. But when the times become out of joint, the one theory of true Catholic reformation has never been any other than that expressed so simply and succinctly by Cardinal Egidio Canisio of Viterbo before the Fifth Lateran Council (1512): "Men must be changed by religion and not religion by men."

This theory was followed by Gregory VII in the reform which he initiated, and which gradually raised the nations of Europe to the superb stage of civilization of the thirteenth century. The same theory underlay the purpose of Inno-

cent III when convoking the Fourth Lateran Council (1215). And such also was the correct theory of real reformers of the type of Cardinal Nicholas of Cusa, St. John Capistran, John Bush and Andrew Proles, the founder of Luther's own congregation—men of exemplary lives who had been in the field long before Luther was born. If their fame today is less than his, it is because they took the more arduous up-hill course, whereas Luther went with the landslide he himself had started.

Between the time when Nicholas of Cusa went the round of Germany as Papal Legate in 1451 and the Lutheran outbreak, many diocesan and provincial synods had been held in all parts of the empire. The Carthusian Dionysius and the Franciscan John Brugmann had worked zealously for the reform of monastic and conventual life, as had also the Benedictine congregation of Bursfeld. Since the time of the great Western Schism the summoning of a general council had become a difficult and dangerous matter, owing to the prevalence of the false idea that the Pope was subject to the council—an idea which had spread with the writings of Marsiglio of Padua, of William of Occam and of Jean of Jeandun. In spite of this and in the face of the pseudo-conciliar movement that culminated at Basle, Pope Eugene IV had succeeded in the year 1438 in gathering the ecumenical council of Ferrara-Florence, at which the churches of the East and the West, for the time once more providentially united, testified in the most solemn way to the Primacy of the See of St. Peter and to the fact that by Christ's appointment the Pope is the head of the Church Universal. So much was settled, but two other problems prominently

demanding consideration were the question of peace among the princes and the definite eradication of the principles of Gallicanism in France. Without peace among the princes, anything like a thorough reform in Europe seemed, under the circumstances, impossible, while on the other hand, Gallicanism had long threatened the very unity of the Church. Hence it was with this two-fold problem chiefly in view that the Fifth Lateran Council was convoked by Pope Julius II in 1512. Had the Lutheran disturbance not started the very year of the council's adjournment (1517), it is certain that the effects of this council would have been very far-reaching. In the actual turn of events one of its objects was partially obtained, and its success in this one point has ever since proved of inestimable advantage to the cause of Christianity. For by the condemnation of the Pragmatic Sanction of Bourges, Gallicanism received a blow which, but for the Reformation, would have proved lastingly fatal, and, by the Concordat drawn up between Pope Leo X and Francis I of France with the purpose of eliminating the Gallican claims, the temptation, naturally strong, to seize the lands of the Church, was definitely removed, with the result that France was saved to the Church. For in Germany, England, Denmark, Norway and Sweden, at a time when the rulers influenced to such an extent the beliefs of their people, this temptation proved to be in the eyes of the former the clinching argument in favor of the views of Luther and the other reformers.

The Church then was willing, anxious to reform herself, and with herself the whole of Europe. That she was capable of doing so is proved by the Council of Trent and by the

splendid Catholic revival that followed in its train, a revival that has elicited the following tribute from a Protestant authority:

> The anti-Protestant movement in the Roman Church which is generally called the Counter Reformation, is really at least as remarkable as the Reformation itself. Probably it would be no exaggeration to call it the most remarkable single episode that has ever occurred in the history of the Christian Church. Its immediate success was greater than that of the Protestant movement, and its permanent results are fully as large at the present day. It called forth a burst of missionary enthusiasm such as has not been seen since the first day of Pentecost. So far as organization is concerned, there can be no question that the mantle of the men who made the Roman Empire has fallen upon the Roman Church; and it has never given more striking proof of its vitality and power than it did at this time immediately after a large portion of Europe had been torn from its grasp. Printing presses poured forth literature not only to meet the controversial needs of the moment, but also admirable editions of the early Fathers to whom the Reformed Churches appealed—sometimes with more confidence than knowledge. Armies of devoted missionaries were scientifically marshaled. Regions of Europe which seemed lost forever . . . were recovered to the Papacy, and the claims of the Vicar of Christ were carried far and wide through countries where they had never been heard before.[1]

Before launching his wanton attack, Luther, in his boasted study of the Scriptures, had done well to advert to

[1] R. H. Malden, Classical Lecturer, Selwyn College, Cambridge, in *Foreign Missions*, London, 1910, pp. 119, 120.

the words of Gamaliel: "If . . . this work be of men, it will come to naught. If it be of God, ye cannot overthrow it; lest perhaps you be found even to fight against God."

The history of the Middle Ages cannot be truly written nor the forces at work in modern civilization be properly understood, until we have gained a correct estimate of Luther's revolution. The chief obstacle in the way of such an estimate necessarily will be that peculiar psychological disposition of the Protestant mind noted at the beginning of this historical summary. In the attempt to arrive at such an estimate it will be by no means sufficient to refute express statements. Our chief work must be to reach back to the assumptions, the false suppositions that form the unstated major premises of the Protestant subjective method of argumentation. For this subjectivism, Carlyle discovered an antidote in "nature and fact."

With both nature and fact the Protestant mind has been at war ever since the day when Luther in the obstinacy of his egoism refused to see the obvious distinction between sin and concupiscence.

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CARLYLE AND THE NINETEENTH CENTURY

THOMAS CARLYLE is one of the saddest and most significant figures of the nineteenth century: sad, since for all his singular earnestness and love of the truth his mind never found rest in any definite religious belief, and significant, because, as W. G. Ward said of him: "He may be fairly taken to mark the highest point to which the thought of unbelievers has yet been able to reach in solving the problem of human destiny." [1] Like Browning it has been his lot to be both misunderstood and misinterpreted, so much so that Ruskin, though in certain respects his disciple, may be considered to have expressed the more common opinion about him when he asked: "What can you say of Carlyle but that he was born in the clouds and struck by lightning?" Yet Goethe speaking of him to Eckermann in 1827 before Carlyle had as yet produced any of his more notable works said: "Carlyle is a moral force of great importance, there is in him much for the future, and we cannot foresee what he will produce and effect;" and the more judicious and favorable estimate of recent times appears to be best summed up in the words of Mr. Augustine Birrell, in whose judgment Carlyle was "one who though a man of genius, and of letters, neither outraged society nor stooped to it; was neither a rebel nor a slave; who in poverty scorned

[1] *The Dublin Review*, September, 1850.

wealth; who never mistook popularity for fame; but from the first assumed and throughout maintained the proud attitude of one whose duty it was to teach and not to tickle mankind." Such a judgment has the further advantage of expressing fairly accurately what Carlyle himself conceived to be his own appointed mission in the world. Writing to his mother when his arduous career as a man of letters was just beginning, he thus states what was to be his lifelong and deep-felt conviction: "Doubt not, dear mother, that all will yet be for the best, and that the good purposes of Providence shall not fail to be fulfilled in me. I feel as if I had much to do in the world; not in the vain pursuit of wealth, and worldly honors, which are fleeting as the breath that can bestow them; but in the search and declaration of Truth in such measure as the All-wise shall see meet to impart to me and give me means of showing it to others. With such views of my vocation, I have good reason to rejoice in it and often instead of envying the blind, slothful comfort of the men of the world, I bless heaven that I have had strength to see and make choice of the better part."

This then is what Carlyle really was: a teacher, and for a world now yearning for that new era which the peace was to usher in, his teaching should have a special interest, for, as far back as 1850, he declared it to be his conviction that "there must be a new world, if there is to be any world at all." At a time when Macaulay still reveled in the hearty approval of things as they were, Carlyle sounded the first note of protest destined to carry conviction to a complacent England. Macaulay had compared seventeenth century England with England as he knew it in his own day and

expressed entire satisfaction with the latter. Carlyle saw deeper: For him the boasted nineteenth century with all its material advantages was not worthy to sit at the feet of any age animated by religious faith as were the Middle Ages of Gregory VII, Abbot Samson, Dante and Shakespeare. If there had been any Dark Age it was the eighteenth century of which he said: "All this haggard epoch, with its ghastly doctrines, and death's head philosophies 'teaching by example' or otherwise, will one day become what to our Moslem friends their godless ages are, 'the period of ignorance.' "

In order to appreciate this attitude in such a way as to be able to set a correct valuation on what was sound or unsound, of positive or negative worth in Carlyle's teaching, one should recall the spirit of the times in which he first began to think and write; for however similar to our own, it is in many respects much further removed from us than we are apt to believe. The Reformation, it must be clearly noted, had brought in its wake a peculiar kind of intellectual atrophy which settled over Europe and was the result of the absolutism of its rulers, and of that princely tutelage in religious matters for which both rulers and people had chiefly Luther to thank. Then came Nemesis! "The ancient Christian republic of the Middle Ages had passed away. For four centuries everything—the common religion, family bonds, monarchic solidarity and the most solemn oaths of alliance and friendship—had been sacrificed to a selfish and ferocious policy of self-aggrandizement. Right had ceased to exist; might ruled everything; successful blows had broken every bond between the 'Christian' princes. . . . And further, since kings had used the vilest

instruments and tolerated the most merciless proceedings in carrying out their plans, Europe, morally speaking, was powerless to withstand the Revolution. She could not intervene on the score of principle, for Europe had no principle save one—reasons of state." [1] Once the French Revolution, in its horribly misguided and semi-intelligent return to medieval ideas, had swept these rulers aside, the mind of Europe awoke to an unwonted sense of freedom; but having lost their sense of continuity with the past, men despised their full medieval inheritance, and allowed the experience and wisdom of earlier ages to count for little or nothing in modern attempts at change, revolution and improvement. These attempts, in time and owing to a better acquaintance with the Middle Ages will appear more clearly to have been gradually resulting in reconstruction.

Strongly influenced, like so many others, by this new intellectual ferment, Carlyle, even better than Tennyson, came to see how

> "Our little systems have their day,
> They have their day and cease to be."

But as has been too little noted heretofore, the real merit and singularity of Carlyle's genius was the outgrowth of his discovery which others failed to see: the rock whereon "our little systems" were one and all making shipwreck. This was "Fact and Nature," or as he expresses it most clearly in *Past and Present:* "Nature and fact, not red-tape and semblance, are to this hour the basis of man's life; and on those through never such strata of these, man and his life

[1] Louis Madelin, *The French Revolution*, English translation, pp. 155, 156.

and all his interests do, sooner or later, infallibly come to rest—and to be supported or swallowed according as they agree with those." In order to grasp something of the significance of this statement we need only recall the contrast between the moral state of mind of the peoples of the Allied nations during the War with that which prevailed before it: a contrast which may be strikingly emphasized by a passage from Madame de Staël, written at the beginning of the last century. "Indifference to the moral law," she says, "is the ordinary outcome of a thoroughly conventionalized civilization, and this indifference is a much more telling argument against the abiding presence of an inborn conscience within us, than the most degrading errors of savage races. Yet men, however sceptical, no sooner feel the weight of an oppressive hand, than they appeal to justice as if they had believed in it all their lives; let tyranny attempt to dominate over their more cherished affections and they appeal to sentiments of equity with an earnestness worthy of the strictest moralist. The moment our souls are inflamed by any passion, whether of hatred or love, the hallowed principles of eternal law recur inevitably to our minds." [1]

Carlyle, however, did not derive the above principle, in the first instance, from any observation of human society in general. It was the fruit of his own bitter personal experience; and the first thing to suffer by it was his faith, to the loss of which he alludes in *Sartor Resartus,* when he says that "for a pure moral nature, loss of his religious belief was the loss of everything." He had read Hume, Gibbon and others of like tendencies, and though he found these

[1] *De L'Allemagne,* 3me. Partie, ch. ii.

two "abundantly destitute of virtuous feeling" it can readily be seen how doctrines such as theirs had a deadly effect on the active mind of one who could summon nothing better in support of his belief than the Protestant hypotheses of what Christianity had been and was; although placed over against the real claims of the Catholic Church, these have clearly proved to be nothing short of bold perversions of the truth. Faced by the denial of the possibility of miracles and of the supernatural and without any hold on the Ariadne-thread of Catholic tradition such as Newman had when he began his search for religious truths, Carlyle could find little in his Scotch Presbyterianism likely to suggest anything approaching the real force of St. Augustine's argument appropriated by Dante, which every Catholic, knowing his religion and knowing human nature, appreciates as one of the strongest confirmations of his faith:

> Were the world to Christianity converted
> . . . withouten miracles, this one
> Is such, the rest are not its hundredth part.[1]

Hence, for Carlyle at least, the definite conclusion was that Protestantism, or Christianity as he conceived it, had lost its footing upon solid fact and had suffered the fate of the giant Antaeus whom Hercules, the fit symbol of modern materialism, succeeded in throttling by holding him off the ground.

But this was not all. There was the further test of "nature" which in his own experience came to the fore in the process of what he considered his conversion. Writing in

[1] *Paradiso,* Canto xxiv., Longfellow's translation.

his old age of the events of his life in 1825 he says: "This year I had conquered all my skepticism, agonizing doubtings, fearful wrestlings with the foul and vile and soul-murdering mud-gods of my epoch, had escaped as from a worse than Tartarus with all its Phlegethons and Stygian quagmires, and was emerging free in spirit into the eternal blue of ether. . . . I had in effect gained an immense victory. . . . I then felt and still feel endlessly indebted to Goethe in the business; he in his fashion, I perceived, had traveled the steep, rocky road before me—the first of the moderns. . . . Meanwhile my thoughts were peaceable, full of pity and humanity as they had never been before. Nowhere can I recollect of myself such pious musings; communings, silent and spontaneous with Fact and Nature, as in these poor Annandale localities. The sound of the Kirk-bell, once or twice on Sunday mornings . . . was strangely touching—like the departing voice of eighteen hundred years."

These are sad words indeed to any Christian who has learned to appreciate the real nobility in Carlyle's character. But to understand his position it must be remembered that the Luthero-Calvinistic theodicy was but the corollary of a false anthropology, as is ever bound to be the case the moment men cease to look upon Revelation as *one* concrete fact, not to be hewn at and parceled off by private judgment, but to be accepted as a gratuitous gift, in all its entirety, on the word of God. Whereas the Middle Ages had possessed a joyful and fundamentally harmonious Christianity, the gloomy and violent feature in the Reformation teachings about the nature of man have to a great extent been to

blame for the fact that in subsequent ages many men of powerful intellect have turned away from Christianity and sought a more cheerful, reasonable and humane view of life. It was out of this false conception of human nature that Carlyle had to work his way before he could arrive at his *partial* rediscovery of natural religion. This, although presupposed and implied in the foundations of real Christianity, had for the non-Catholic world suffered quite as lamentably at the hands of the Reformers as did Christian revelation and supernatural religion. In this reaction, however, Carlyle had predecessors, and a comparison with some of these may help to throw light on the real merit of his achievement. Rousseau, in whom, as Carlyle said, "the French Revolution found its evangelist" was, of course, the first to take the lead in this "return to nature." Later on, Goethe as a young man was horrified at hearing a preacher declare that it was Pelagianism to assume the existence in man's nature of anything good which by the help of God's grace might develop and bring forth fruit. While Fichte, in his discourse to the German nation, complained that the system of education in force in his day taught "its students from their youth that there is in man a natural repugnance to God's commandments and that it is absolutely impossible for him to conform to them." But to all three of these men may be applied the judgment which Teufelsdröckh pronounced against the Saint-Simonians: "Here also are men who have discovered, not without amazement, that man is still man; of which high long-forgotten truth you already see them make a false application." "The fault and misery of Rousseau," to quote Carlyle again, "was what we easily

name by a single word, *egoism*; which is indeed the source and summary of all faults and miseries whatsoever." In the writings of Goethe, on the other hand, there is, as Madame de Staël has finely noted, a philosophy, whose spirit with regard to the good and evil in this world, is that things must be so, since they are so. And Fichte, though he could descend from the cloud-lands of his godless idealism to quote Ezekiel: "Come from the four winds, O breath, and breathe upon the slain, that they may live. So I prophesied, as He commanded me; and the breath came into them, and they lived and stood upon their feet, an exceeding great army," he only did so that he might apply his scriptural text to the results he expected from that "better" moral training which was to make the nation absolute sovereign over the lives of all its members. It was not thus with Carlyle. "If," as Froude tells us, "he had been asked what specially he conceived his own duty to be, he would have said that it was to force men to realize once more that the world was actually governed by a just God," and to make them live up to the necessary consequences of such a belief.

Yet, as already said, Carlyle's rediscovery of natural religion was only partial because while he rejected historical Christianity, the psychological elements of his inherited Protestantism clung to him like a Nessus-shirt to his dying day. Religion, for one thing, was to his mind a matter of heart and will with which our intellects have nothing more to do than to embody our belief in fitting formulas. That is true which you believe to be true and religious truth changes with the ages: a modernistic view of things that reminds one strongly of Kilmarkecle's philosophical theory

in John Galt's *The Entail.* "This snuff," says the Scottish laird, "is just as like a hippopotamus as the other sort that was sae like it was like a linty; and nothing could be plainer; for even now when I hae't in my nostril I think I see the creature wallowing and wantoning in some wide river in a lown sunny day, wi' its muckle glad e'en, wamling wi' delight in its black head, as it lies lapping in the caller water, wi' its red tongue, twirling and twining round its ivory teeth (bigger, as I am creditably informed, than the blade o' a scythe) and every now and then giving another lick." This is subjectivism in zoölogy, and how could religion evolved in such fashion, fail to be at odds with science and history and everything subjectively sane or objectively reasonable?

In this characteristically Protestant assumption we shall find the chief reason for that note of contradiction and inconsistency so frequently detected in Carlyle's writings. Medieval Christianity, for instance, presented to his mind the greatest realized ideal ever yet attained by man, and his insight into the spirit of those ages is remarkable considering the prevalent ignorance about them at the time when he wrote. Impersonating the monks of St. Edmundsbury, he makes them say: "There is yet no Methodism among us, and we speak much of secularities: no Methodism; our religion is not yet a horrible restless doubt, still less a far horribler composed cant, but a great heaven-high unquestionability, encompassing, interpenetrating the whole of life. Imperfect as we may be, we are here, with our litanies, shaven crowns, vows of poverty to testify incessantly and indisputably to every heart that this earthly life and *its* riches and possessions and good and evil hap are not in-

trinsically a reality at all, but *are* a shadow of realities eternal, infinite; that this time-world, as an air image, fearfully *emblematic*, plays and flickers in the grand still mirror of eternity, and man's little life has duties that are great, that are alone great, and go up to heaven and down to hell." And Abbot Samson, the one "hero" for whom Carlyle had nothing but unqualified praise, he characterizes thus: "Abbot Samson all along a busy working man, as all men are bound to be, his religion, his worship was like his daily bread—which he did not take the trouble to talk much about; which he merely eat at stated intervals, and lived and did his work upon! This is Abbot Samson's Catholicism of the twelfth century."

But, for Carlyle, there had been nothing supernatural at work in this medieval Christianity, nor could there be a "Second Spring," for he denied the supernatural; and his attitude towards the Catholic Church in modern times, as contrasted with that of Macaulay, is instructive.

Macaulay, more clear-sighted as to facts, and judging of the Church's future by her past, prophesied her "undiminished vigor when some traveler from New Zealand, shall in the midst of a vast solitude, take his stand on a broken arch of London Bridge to sketch the ruins of St. Paul's"; but with a moral blindness of which Carlyle was scarcely capable, he attributes this eternity of greatness to a permanent tradition of cunning. Carlyle, on the contrary, with a moral sense vastly deeper, but thoroughly saturated with the Protestant belief that the Catholic Church was false, simply denied the fact before his eyes. Luther's prophecy had been "dying, O Pope, I shall be your death," and yet in 1840 when, as Car-

lyle himself said, Protestantism had dwindled into "theological jangling of argument," "skeptical contentions," "down to Voltairism itself—through Gustavus-Adolphus contentions onward to French Revolution ones," Carlyle's fatuous assertion was that "Popery cannot come back any more than paganism can." And such assertions made with complacent assurance in the beginning turned at last to shrieks and execrations.

With all this, however, Carlyle was more up to date with the truth than our more modern modernists in that he did perceive that within himself and others there exists a supreme law of right and wrong and that God alone could account for its presence. And it was chiefly from this vantage ground that he arraigned the world and pointed out its errors. For him right and wrong did not differ in degree merely, as aesthetes of the type of Walter Pater and A. C. Benson would have us believe, but in kind, with an immeasurable distance. He saw that Europe could never have grown at all, still less have grown to its present stature, unless truer theories of man's claim on man had once been believed and acted on, and if "all human dues and reciprocities have been fully changed into one great due of *cash payment;* and man's duty to man reduces itself to handling him certain metal coins, or covenanted money-wages, and then shoving him out of doors," the "progress" so loudly talked about could be nothing but progress downwards. In opposition to Machiavelli, Luther, Kant and our modern theorizers on sociology and government, he insisted that a divinely sanctioned morality existed throughout the whole range of human action. His "Everlasting Yea" was: "Love not pleasure, love

God," and with it he soared way beyond the Olympic hedonism of Goethe. He pierced in advance, as it were, through the fallacy in Matthew Arnold's gospel of culture when he put the question: "If (a man) have not the justice to put down his own selfishness at every turn, the courage to stand by the dangerous-true at every turn, how shall he know?" He pointed out one of the principal errors of the Benthamites, of Mill and of the Positivists with their "greatest happiness of the greatest number" when he proclaimed that "faith in mechanism, in the all importance of physical things, is in every age the common refuge of weakness and blind discontent; of all who believe, as many will ever do, that man's true good lies without him, not within." To his mind the only progress worth the name was "moral progress." "How were friendship possible?" he asked, and his answer was: "In mutual devotedness to the good and true; otherwise impossible; except as armed neutrality or hollow commercial league." He perceived on all hands "falsehood taken for granted, and acted on as an indubitable fact," and he told a world that professed Christianity on Sundays and disregarded or denied it on work-days, that it was in a sadder state than any ever imaged in prophetic vision, since it was "false with the consciousness of being sincere." While to the statement of H. G. Wells that our modern "cosmic solicitudes, it may be, are the last penalty of irreligion," he had already provided this far sounding warning: "In very truth how can religion be divorced from education? An irreverent knowledge is no knowledge; may be a development of the logical or other handicraft faculty inward or outward; but is no culture of the soul of a man. A knowledge that ends in

barren self-worship, comparative indifference or contempt for all God's universe except one insignificant item thereof, what is it? Handicraft development and even shallow as handicraft." He considered "society, properly so called, to be as good as extinct, and that only the gregarious feelings, and old inherited habitudes, at this juncture hold us from dispersion and universal national, civil, domestic and personal war" because "for the last three centuries (*i. e.*, since the Reformation) . . . religion, where lies the life-essence of society, had been smote at."

But how to teach religion? This, the all-important question in his own eyes, Carlyle, more honest than the modernist, could only answer with an exhortation to sincerity and to a trust similar to, if less clear-toned, than Browning's who

> Never doubted clouds would break,
> Never dreamed, though right were worsted, wrong would triumph
> Held we fall to rise, are baffled to fight better,
> Sleep to wake.

Unlike Browning, however, Carlyle was not a Christian, and the nearest he ever reached to Newman's *Lead Kindly Light* was to adopt as his own Pope's universal prayer:

> Father of all in every age,
> In every clime adored
> By saint, by savage, and by sage,
> Jehovah, Jove or Lord.
>
> Thou great First Cause, least *understood*
> Who all my sense confined,
> To know but this, that Thou art good
> And that myself am blind.

That he had the insight of genius for the problems of the age is seen the moment one stops to recall the nature of his several works. *Past and Present* was the great forerunner of G. K. Chesterton's *What's Wrong With the World. Heroes and Hero Worship* and *Chartism*, as treatises on the question of authority and the need for leadership in a democracy, forestalled such works as Paul Elmer More's *Aristocracy and Justice. The Life of John Sterling* was the nineteenth century prototype of H. G. Wells' *Research Magnificent.* His *French Revolution* he wrote with the purpose of proving to the world that the laws governing nations today are substantially the same as those delivered in thunder on Mount Sinai, and that God is in their midst to enforce them: a lesson again sternly taught by the late War. While in the lives of *Cromwell* and *Frederick the Great* his quest is the same as that which drove Diogenes into the agora with his lantern, in search of a man. But the fact that Carlyle had no adequate solution for any of the problems he so strongly propounded is as portentous now as it was characteristic of the whole nineteenth century. For both he and his century either could not or would not see with Novalis that "the Catholic Church alone can resuscitate Europe and reconcile all nations," and in this connection the words in which A. H. Clough so aptly sums up the spirit of that century may still have a meaning for us:

Sound, thou Trumpet of God, come forth Great Cause to array us
King and leader appear, thy soldiers sorrowing seek thee.
Would that the armies indeed were arrayed, oh where is the battle?

Neither battle I see, nor arraying, nor King in Israel,
Only infinite jumble and mess and dislocation
Backed by a solemn appeal: "For God's sake do not stir there!

Catholic World,
March, 1918

SCHOLASTIC PHILOSOPHY AND MODERN LIBERTY

THOSE still in doubt as to the real share Luthero-Kantian thought had in bringing on the world war should read Professor John Dewey's very brief but adequate treatment of the subject in his book entitled *German Philosophy and Politics.* The conviction firmly impressed on the mind of the reader as he lays the book down is not only that the thought of Germany, and the higher criticism and modernistic sentimentality of very many of our own university professors and Protestant ministers are all wrong, but that a sound philosophy is absolutely essential to the preservation of our American liberty in the future. As Professor Dewey himself says in conclusion:

> It is futile to work for the negative end of peace unless we are committed to the positive ideal which it cloaks, promoting the efficacy of human intercourse irrespective of class, racial, geographical and national limits. Any philosophy which should penetrate and particulate our present social practice would find at work the forces which unify human intercourse. An intelligent and courageous philosophy of practice would devise means by which the operation of these forces would be extended and assured in the future. An American philosophy of history must perforce be a philosophy for its future, a future in which freedom and fulness

of human companionship is the aim, and intelligent co-operative experimentation the method.

But where are we look for such a philosophy? This Professor Dewey and the many who condemn German kultur do not tell us. True, they might have taken a hint from Professor Paulsen of Berlin, who declared some years ago that there was no philosophic alternative between neo-scholasticism and Kantianism and that as the ethics of Catholicism is based on Thomism, so the ethics of Protestantism is based on Kantianism. What does not seem to have occured to any of them thus far, however, is the fact that there *is* a philosophy quite as intimately bound up with the history and development of our American liberty as is the common law of England. Its importance for the preservation of that liberty will be seen when we realize how without it the English Whigs could probably never have brought back, as they did in 1688, some small beginnings of the liberty of which England was robbed at the Reformation; and that had they failed, it would have undoubtedly meant our own definite and permanent loss. This philosophy is none other than that very same medieval scholastic philosophy and its sixteenth and seventeenth-century development, of which the neo-scholasticism, alluded to by Professor Paulsen, is merely a modern development and interpretation. In the hands of those who from generation to generation, wrought at the shaping of our tradition of liberty it actually did prove an intelligent and courageous philosophy of practice for devising the means to extend the operations of the forces which unify human intercourse.

But more than this, by a natural and logical development its doctrine on government furnished the basic principles for the theory that inspired the men who framed our Constitution.

During the war much reference was made to the doctrine of the Divine right of kings as if this were something characteristically medieval. The simple fact of the matter is that the doctrine, in the sense in which such writers understood it, was never heard of until after the Reformation and then mainly in Protestant countries. Many years ago, Stubbs, the great constitutional historian, protested against the view that the medieval clergy were the great upholders of this doctrine as "shallow and unfair." Charles Plummer, moreover, in the very scholarly and searching notes to his edition of *The Governance of England* by Sir John Fortescue, says of such a view:

> They are more than shallow and unfair, they are often the exact reverse of the truth. The clergy were the great opponents of that doctrine, the chief advocates for the imposition of limitations on the royal power, in opposition to the lawyers who carried on the absolutist tradition of the Roman law; and the doctrine of the lawfulness of popular opposition to that power under hierarchical sanction was no invention of Scotch reformers, or of French leaguers; but had already been developed in the Middle Ages.

Nor was the position thus taken up by the clergy the result of mere policy. It followed naturally from a solid grasp on truth and a clear perception of what ought to be. Few would deny that our present liberty is an outgrowth

of the original grant of Magna Charta: and every one has heard of Stephen Langton, Archbishop of Canterbury. But writers of text-books have not, to our knowledge, been in the habit of pointing out the relation between that document and the political theories of the age as expounded, let us say, in the *Policraticus* of John of Salisbury, the friend of St. Thomas à Becket and of the English Pope Adrian IV. Yet the relation was actual and in one important respect the theory has proved more valuable than the Charter. For while the latter has secured inestimable rights in the past, the soundness of the former will alone account for whatever progress and development has taken place since the momentous event enacted at Runnymede. Again, it is slowly becoming common knowledge that in 1297 Archbishop Winchelsey, armed with a Papal bull, declined to agree to a money grant that was being exacted by Edward I. By this means he forced the King to a definitive confirmation of the charters. Among the seven new articles then added to the Great Charter, the one which of course has attracted most attention is that wherein the King is made to promise that he would no more take "aids, tasks, and prises but by common assent of the realm and for the common profit thereof." What historians would seem to have overlooked, is the educational value of the third of these seven articles in which it was ordained that copies of the charters were to be sent to the cathedral churches to be read before the people twice a year. Now St. Thomas had been dead over twenty years; he had taught in Paris when Winchelsey was a student there; many, moreover, if not most of the cathedral clergy were university men and the writings

of the great Doctor must by this time have become widely known. Hence what more natural than that the terms of the Great Charter, now amended and newly confirmed, should receive a fuller and more definite explanation and justification in reason from the philosophical principles on government set forth in the *Summa* and the *De Regimine Principum.* As Janet truly says in his *Histoire de la Science Politique*:

> The philosophy of St. Thomas is the faithful image of his times: it is the very kernel of the Middle Ages, it is the Middle Ages themselves; in it will be found gathered up into one whole, and apparently for all eternity, whatever those ages know, thought or loved.

And no less an authority than Lord Acton has declared that "not the devil but St. Thomas Aquinas was the first Whig."

Actual evidence, moreover, of this interdependence of scholastic moral principles on government and medieval constitutional thought will be found in the works of Sir John Fortescue (1394-1476?). Not only are many of his main arguments taken over directly from St. Thomas or else logically deduced from some one or other of the principles enunciated by the great Doctor; but a considerable number of the other authorities whom he cites, had derived their doctrines from the same source and had long been enjoying a wide popularity. And this had its further important bearings on subsequent events, as may be judged from the fact that as Charles Plummer states: "In the seventeenth century he (Fortescue) was constantly appealed to as an authority by the Constitutional party; and his writ-

ings played a part not altogether inconsiderable in the preservation of English liberties."

If we turn then to the Revolution of 1688—the event with which the history of real *modern* liberty truly begins—the first thing that faces us is the strange claim that this was a Protestant revolution. The honest fact is that it presents the greatest historical paradox ever recorded. Protestants, though no way loath to twist the facts to their own purposes, have as a rule shown themselves more than chary in their treatment of it. For as Whittier well said:

> However it may have been overruled for good by that Providence which takes the wise in their own craftiness, the revolution of 1688, in itself considered, affords just as little cause for self-congratulation on the part of Protestants as the substitution of the supremacy of the crowned Bluebeard Henry VIII, for that of the Pope, in the English Church.

James II was a Catholic, it is true, and those who brought about the revolution were Protestants. But James, in his attempt to establish *toleration,* thought to take advantage of the Anglican doctrine of the divine right of Kings and began to apply in milder form, the very methods his Protestant ancestors and predecessors had made use of in order to rob the English people of their Catholic Faith and maintain Protestantism. But as Lecky admits, Pope Innocent XI, who had previously opposed Louis XIV's revocation of the Edict of Nantes, "steadily disapproved of the violent and unconstitutional means by which James . . . was endeavoring to bring the English Catholics to power." James

failed of course, once the Anglican support had been withdrawn. Toleration of Catholics and Dissenters was found to be too hard a dose for the national Church to swallow and in this connection these remarks of Lecky are again instructive.

> If the most constant, contemptuous and ostentatious defiance both of civil and ecclesiastical authorities be a result of the Protestant principle of private judgment, it may be truly said that the extreme High Church party in more than one period of its history, has shown itself in this respect at least, the most Protestant of sects.

No sooner however had James, the common enemy, been removed out of the way by his own hasty flight, than the Whig party, whose real concern was the political issue, rapidly taking things into its own hands, found itself at odds with Anglican Protestantism, a much more serious problem.

> "Had the old dynasty," says Lecky, "adhered to the national faith its position would have been impregnable [thanks to the Anglican belief in the Divine right of kings], and in the existing disposition of men's minds [imbued as they were with the Protestant doctrine of passive obedience] it was neither impossible nor improbable [i.e., it was humanly inevitable] that the free institutions of England would have shared the fate of those of Spain, of Italy, and of France: [countries which succumbed to Machiavellianism, Gallicanism, etc., as a result of their persistent opposition to Papal influence]."
>
> Hence as Macaulay describes the situation of the

> Whigs: "The Convention had two great duties to perform. The first was to clear the fundamental laws of the realm from ambiguity. [Note the evasion!] The second was to eradicate from the minds of the governors and of the governed the false and pernicious notion that the royal prerogative was something more sublime and holy than those fundamental laws." (Brackets inserted.)

In other words it had to undo the Reformation and bring back as far as was practicable some of that medieval liberty of which England had been deprived since the days of Henry VIII. As Macaulay himself says, the "Revolution was a vindication of ancient rights." The famous "Declaration of Rights," moreover, which is one of the great events in the constitutional history of England, is an assertion of the "true, ancient, and indubitable rights of the people of this realm," and ignorance alone could prevent one from recognizing that there was nothing new in its provisions except those articles that called for the abrogation of abuses introduced either at or in direct consequence of the Reformation. As a positive enactment it does nothing more than re-establish, under new circumstances, what had been in force during the Middle Ages.

It is true of course that the Whigs brought in William III and provided for a Protestant succession. But as Lecky points out:

> It was impossible to disguise the fact that the [new] Government was *based upon and could only be justified by principles directly antagonistic* to those which the majority of the clergy had taught as essential doctrines of their Church. [Italics ours.]

The all-important question for us, therefore, is: Where did these new principles come from? This is the point on which Protestant historians are invariably silent or unsatisfactory. Cromwell and the Puritans had appealed to "the ancient laws of England" against the earlier Stuarts. But not having any sound principles of government which would allow them to expect and enforce a reasonable allegiance from the people, there was no third choice left between the anarchy of fanatics and the tyranny of Cromwell. Milton's defence of the Puritan revolution, written at the request of those in power, is an English classic of its kind and undoubtedly the best his Puritanism allowed him to produce; but Milton, despite his erudition, failed to provide reasonable grounds for due submission to legitimately constituted authority and never really got beyond eloquent assertions of the right to rebel. As the Protestant historian, Guizot, says of him:

> He was animated by an ardent passion for liberty: not for that real liberty which results from respect for all rights and for the rights of all, but for an ideal and absolute liberty, both religious, political and domestic; and his mighty mind reveled, on this subject, in noble ideas, lofty sentiments, grand images, and eloquent words, without his troubling himself to inquire whether, in the world around him, positive facts and his own personal actions corresponded with his principles and hopes.

The success of the Whigs therefore in effecting "of all revolutions the least violent" and yet as Macaulay truly adds "of all revolutions the most beneficent," was due above all

to the fact that beyond their appeal to the medieval tradition of constitutional forms and laws, they had at hand, sound principles of reason, consonant with that tradition, with which to justify their subversive measures and at the same time extend and assure the operation of those "forces which unify human intercourse," which they were bent on re-establishing. Now these principles were not derived in any way from Protestantism or from any one of its many protean and mutually conflicting manifestations. For the third time in the century men were driven to seek in the works of the scholastic philosophers and theologians and medieval writers for those well-grounded reasons which could alone enable them to rescue something of that older natural and Christian order of things which Protestantism was rapidly destroying. Richard Hooker, in order to refute the irrational, destructive and anti-social doctrine of the Puritans, "That the Scripture of God is in such sort the rule of human actions, that simply whatsoever we do and are not by it directed thereunto, the same is sin," had borrowed his more telling and convincing arguments from the pages of St. Thomas's exposition of the natural law. Hugo Grotius, harrowed in soul at the thought of the ravages committed during the Thirty Years' War, found the better and more solid substance of his "*De Jure Belli ac Pacis*" in the works of St. Thomas, Vittoria, Bellarmine, Suarez and the scholastic casuists. And so, in the same way the Whigs, sorely pressed for a satisfactory refutation of the Protestant doctrine of the Divine right of Kings and of passive obedience turned to the same sources, but chiefly to Bellarmine and Suarez, for those principles which have since become the very cor-

nerstone of modern liberty. As Lecky sums up their chief purpose and aims:

> The main object of the Whig party in the early part of the eighteenth century was to establish in England a system of government in which the will of the people as expressed by parliament should be supreme and the power of the monarch should be subject to the limitations it imposed.

Their task, however, was no easy one as may be gathered from the extensive literature and the large number of tracts written at the time in vindication of the Revolution. Moreover even after they had brought the Revolution to a successful close it was not so very long before they were forced back to the level of mere parliamentary opposition, which is where events found them at the time of our own Revolutionary War. But meanwhile they were not allowed to forget the original sources of their principles. Leslie, among a host of others, had not been slow to tell them that "the deposing doctrine and placing the power in the people is but the spittle of the Jesuits which our Whigs and Dissenters have picked up." To such damning accusations, the Whigs, on their side, unable to give a categorical denial, had to content themselves for the most part with counter-accusations against the Jesuits as having been the advisers of James II or else with the evasive answer that the Jesuits were not the only ones to hold such doctrines. This last was true enough in its way. Yet the "others," whether mentioned or understood, happen invariably upon investigation to be either themselves scholastic philosophers or writers

like Grotius who had borrowed from the scholastics. Selden and Algernon Sidney, who were frequently laid under contribution, are clearly indebted to Bellarmine and Suarez. Locke, also, often referred to as the great Whig philosopher, besides evident borrowing from the two scholastic philosophers just mentioned, drew extensively on Hooker's *Ecclesiastical Polity* for the theories expounded in his well-known and, at the time, widely studied *Treatise on Government.* But then Hooker, in his turn, owes a great deal to Bellarmine and as the writer of the notice of him for the Encyclopedia Brittanica admits he "bases his reasoning on principles which he discovered in Augustine and Thomas Aquinas."

Further evidence for this dependence of our Anglo-American tradition of liberty, either directly or indirectly, on scholastic philosophy could be more than abundantly adduced would space allow. Blackstone, for instance, the great Whig lawyer, in writing his famous *Commentaries,* was greatly influenced by Locke. Then that series of volumes now little known, but often cited or referred to by Burke and entitled "*A Collection of State Tracts Published During the Reign of King William III*" will be found, by those who know their Suarez and their Bellarmine, to contain any amount of valuable material in proof of our thesis. If furthermore it be recalled that this Whig literature formed pretty much the staple reading of large sections of the American colonies, it will be easy to account for the striking similarity that exists between many of the more fundamental ideas of Jefferson and those who drew up our Constitution, and the scholastic doctrine on government as expounded especially in the works of Suarez.

If history then be taken as a norm, Professor Dewey and those whose Kantianism has been discredited by the war, should find little difficulty in deciding on neo-scholasticism, Professor Paulsen's alternative, as the one philosophy which, in contrast with its rival, has given such clear guarantees of being "an intelligent and courageous philosophy of practice," capable of furnishing the reasonable grounds, so greatly needed at the present hour, if we are to have "a future in which freedom and fulness of human companionship is the aim, and intelligent co-operative experimentation the method."

America,
January 25, 1919

AMERICA AND PROTESTANTISM

TO the world's great surprise we have shown what were the forces of American democracy in time of war. There still remains to be seen whether our national consciousness of the real grounds of our success is such as to enable us to interpret our past in a manner that might help towards a solid reconstruction of the old world on bases similar in soundness to that of the new. For one thing is certain, it is not American money Europe stands in need of half so much as American principles. It is these that have made us what we are, and any confusion in their regard may prove detrimental not only to ourselves but to the world at large.

In view, therefore, of the decided efforts that are now being made to spread Protestantism in Latin countries in the name, not of Christ, to be sure, or of God, but of Americanism and of the American dollar, it is highly important that the true relations of Protestantism to democracy and America be clearly understood. In what we have to say, moreover, it should be noted that our remarks are not directed against individuals or against any class of individuals. The individual may very well be much better than the false opinions he more or less ignorantly professes. For just as, by thinking, we cannot add a cubit to our height so neither can the most wilful and erroneous systems in the world in any way change the real nature of things or wholly

destroy the evidence of facts or the testimony of common sense. Hence the individual may at times and in a measure happily be saved by the "admirable quality" Carlyle somewhere attributes to John Bull "of remaining insensible to logic." Protestantism, on the other hand, now has a history and a psychology of its own; things it either did not have or which were not so evident in the days when Luther and Calvin, while damning human nature, reason and free will, were at times promising Heaven to all who had the assurance to elect themselves thereto. As Protestantism, furthermore, is essentially based in one form or another upon this vilification of our common nature, it is high time that the persistent claim that America is synonymous with Protestantism be definitely disposed of. For not only is the correct concept of our true nature an essential presupposition of real Christianity, it is likewise an all important basis for sound democratic thinking.

As far as we know the first writer of note to suggest anything like a connection between Protestantism and democracy was Montesquieu. According to his view the northern peoples have always had a spirit of independence and liberty not possessed by those of the south. Hence a religion without a visible head is more in keeping with the independence of the climate (*sic*). But this shallow observation is immediately corrected by his much more accurate statements in the very next paragraph. For says he,

> In those very countries where Protestantism was established the revolution was effected along lines in accordance with the constitution of the State. Luther, having powerful princes on his side, could scarcely have

> induced these to agree to an ecclesiastical authority shorn of all outward preeminence; whereas Calvin, supported by those who lived under a republic or by members of a humbled middle class living within monarchies, could easily dispense with every ecclesiastical preëminence or dignity.

In other words Protestantism could be said to have favored democracy in the same sense only in which Pilate did when he yielded to the passions of the multitude. Christ, truth and justice could never be anything but a minor consideration so long as it was allowed to hold its own. Nor did it matter whether the compromise had to be made with despotism or with more or less enlightened popular movements, provided these happened to be in the ascendant or the dominant force of the hour.

In spite of this, however, De Tocqueville, following somewhat after Montesquieu, described the religion of the Puritans as "a democratic and republican religion." Yet even he was not altogether deceived by appearances, since further on he himself remarks,

> If Catholicism predisposes the faithful to obedience, it certainly does not prepare them for inequality; but the contrary may be said of Protestantism, which generally tends to make men independent more than render them equal (which presupposes principles of reason and of justice). (Parentheses ours.)

Hence J. Q. Adams, who certainly had a right to judge, came much nearer to historic truth when he stated that "not one of the motives that stimulated the Puritans of 1643 had

the slightest influence in actuating the confederacy of 1774." That Protestantism, therefore, with its genius for dissolving compromise is in no way to be identified with genuine Americanism, may be easily gathered from a statement of Washington's which, in the providential framing of our constitution, proved no less momentous than was the battle of Gettysburg for the saving of the Union. When some of the members of the Convention were advocating half measures as more likely to meet the approval of the people than any thoroughgoing reform he said:

> It is too probable that no plan we propose will be adopted. Perhaps another dreadful conflict is to be sustained. If to please the people, we offer what we ourselves disapprove, how can we afterwards defend our work? Let us raise a standard to which the wise and the honest can repair. The event is in the hand of God.

But more than this: not only has Protestantism had nothing to offer in any true sense towards furthering real democracy but democracy itself has been the very undoing of Protestantism. Writing some sixty years ago under the influence of the old groundless prejudice, Oliver Wendell Holmes said, "America owes its political freedom to religious Protestantism." But, he immediately added with strange logic, "Political freedom is reacting on religious prescription with still mightier force," an observation which, apart from what we all know, has been more recently confirmed by Henry Adams. For he declares:

> Paradoxical as it may seem, it was the pursuit of gain that made men more generous, tolerant, and liberal in their dealings and their relations with their fellowmen and not the teachings of the Church. As commerce increased its hold that of the Church relaxed.

So much then for the historical aspect of the question. As we now turn to consider the relation of Protestant psychology to the true American spirit we can recall nothing that brings out the contrast more truly or with better effect than do certain passages of Henry James' novel *The American.* Newman, the hero, it will be remembered, is a self-made American without antecedents and quite unaware of traditions: a man of strong self-reliance, simple, straight-forward, easy-going in his dealings with his fellows and thoroughly objective in his thinking. "He had spent his years in the unremitting effort to add thousands to thousands and now that he stood well outside of it the business of money-getting appeared tolerably dry and sterile." As he traveled on through Europe, "It had come back to him simply that what he had been looking at all summer was a very rich and beautiful world, and that it had not all been made by sharp railroad men and stockbrokers." In other words though not a Christian, he can *at least* agree with God's own verdict when at the close of the sixth day of creation He "saw all the things that He had made and they were very good." Babcock, on the other hand, whom he meets in the course of his travels, is a Unitarian minister from Boston who has come to Europe for "self-improvement." Both become very friendly, though Babcock is not without his qualms. He tries "to arrive at the truth about everything." The result

is that though the man in him is strongly attracted to Newman, what he takes for his conscience will have it that he is "low-minded" and immoral. Hence after separating from him on the ground of "incompatibility of temper" Babcock writes Newman a letter to explain his "position," which among other instructive things contains this: "I *feel* as if I *must* arrive at *some* conclusion and *fix* my belief on certain points. Art and life *seem* to me intensely serious things and in our travels in Europe *we should* especially remember the immense seriousness of Art." (Italics ours.) In short Babcock is merely dragging his intellect at the trail of his will, and that is Protestantism. It was this same attitude of mind, only in more violent form, that led Luther to tamper with the text of St. Paul and made it possible for him to throw out one whole book of Scripture merely on this ground, as he said, "*Sic volo, sic jubeo, stat pro ratione voluntas.*" It alone, moreover, can explain Milton's definition that "reason is but choosing" or Rousseau's statement that "the man who thinks is a depraved animal." To justify it Kant formulated his "categorical imperative" and thus furnished a major premise to the declaration that a sworn treaty is but "a scrap of paper" and now, that same attitude of mind, together with the utter failure of Protestantism as a religion capable of teaching self-restraint, has put the Prohibition amendment into our own constitution.

To conclude then we can do no better than quote De la mennais' definition of Protestantism which, as Newman said, "is almost terse and descriptive enough for a dictionary"; than which, however, nothing could be further from what

we should wish the world to identify in its thought with America:—"A system, inconsequent and narrow which under a deceptive appearance of liberty resolves itself for the nations into despotism and brute force and for the individual turns out to be sheer egoism."

America,
October 11, 1919

THE TWO TRADITIONS OF LIBERTY

THE magnificent example our country lately furnished of the generous power and efficiency of truly democratic ideals was the cause of no little wonderment even to our own minds. Yet we should not for a moment allow ourselves to imagine that, by arguing from our own point of view, we can easily fathom the reasons for the deep and genuine surprise that was awakened in Europe and throughout the world. For the average American it is no doubt difficult to realize how fully the outside world looked upon us in the days before the War more in the nature of an experiment than as a people that had attained to definite nationality. We appeared to be living as though our true greatness still lay somewhere in the future. Wealth and the pursuit of wealth seemed to constitute our chief, if not our sole, claim to be ranked as a world power. But in the words of Frederic Harrison writing about us in 1901, the problem for the thoughtful visitor was whether this vast prosperity, this boundless future, rested "upon an equal expansion in the social, intellectual and moral sphere."

With the war came the sudden challenge to our real spirit as a nation. What our own loyalty more than half expected has been revealed in fact. As a democracy we now stand preëminent among the nations. Our Constitution and our traditions are being studied in the hope that they may pro-

vide the principles on the strength of which a new international union may be shaped out of the old-world chaos. Therefore the great international problem, as it presents itself to us is: Can we explain ourselves, or is our answer to be as simple and unsatisfactory as that of Topsy?

To many such a question may seem entirely superfluous and even impertinent. Not so to those, however, who for years past have with matured judgment been watching the trend of events.

> "That eternal vigilance, said Elihu Root in January, 1916, is the price of liberty is such a truism that it has lost its meaning, but it is an eternal truth, and the principles of American liberty stand in need of a renewed devotion on the part of the American people."

Nor is this note of warning solitary in its expression. It is being sounded by almost every conscientious and competent thinker of whatever party or political creed. The real grounds for this deep concern were further pointed out by the same person from whose address at the State Bar Association dinner we have just quoted:

> We must be prepared to defend it [our American liberty] within as against all indifference and false doctrine, against all willingness to submit individual independence to the control of practical tyranny whether it be of a monarch or a majority.

Then having passed in review some of the dangers that followed from immigration he made his meaning still more definite in these words:

> The change may well be seen in our colleges and law schools, where there are many professors who think they know better what law ought to be and what the principles of jurisprudence ought to be, and what the political institutions ought to be, than the people of England and America, working out their laws through centuries of life. And these men, who think they know it all, these half-baked and conceited theorists are teaching the boys in our law schools to despise American institutions.

Strong as this indictment may sound, few we think can doubt its truth, now that we have come to realize to what extent German philosophy and German ideas had crept in among us. To lay the blame at Germany's door is, however, no sufficient explanation. The real point is, why did we not have a philosophy of our own, truly in keeping with American liberty and American institutions? The full and adequate answer to this is so simple on the face of it, once the facts in the case are adverted to, that the wonder is that it has never, to our knowledge, been insisted on before. One need only look back over the last 400 years of what is now miscalled Christendom, in order to detect not one, but a two-fold tradition of liberty, each with a distinct philosophy of its own. The first, both in order of time and in the soundness of its fundamental principles, may be rightly called the medieval tradition, and it is that of England and America. The other, in large measure a mere parasite, admits of no other title but that of Protestant, and while manifesting itself in antagonism to the former pretty much everywhere, its stronghold, since the French Revolution, has been the Western Continent of Europe. The important thing,

however, about both these traditions is the philosophy on which each subsists. If the "false doctrine" to which Elihu Root alludes has been allowed to gain a hold upon the nation it has been due to the confusing Protestant assumption that it was the Reformation that brought liberty into the world. In other words, failing to make the distinction between the two traditions, we have been endeavoring to support our own legitimate inheritance, together with the institutions in which it is embodied, on a wholly alien body of principles.

That the latter came into currency at the Reformation is true enough. That they differ entirely, on the other hand, from the principles of those who laid the solid foundations of our liberty in our Constitution may be readily seen by comparing them even on the basis of a cursory historical review. To simplify matters, we will confine ourselves to the fundamental test-point of legal obligation.

To begin, then, with Calvin, it should be kept clearly in mind that he maintained that civil laws do not oblige in conscience. The logical outcome of the conception of the order of things implicit in such a contention is the theory of the French Calvinist, Pierre Jurieu, who in his controversy with Bossuet (1680) plainly stated: "There must be in every society some authority that need not have reason on its side in order to validate its acts. And such authority resides only in the people." In other words, he merely transferred to the people what those, who in England were at this same period preaching the Divine right of kings, wished to reserve as the special privilege of a single individual, viz., the right to do wrong. How far Rousseau may

have been directly indebted to Jurieu is not quite evident. The important point is that his view was essentially the same. His *Contrat Social* is a Calvinist's idealization of a Calvinistic commonwealth and, except for the flattering ease with which it admitted of a flattering interpretation, it became, as we know, in the hands of the French revolutionists pretty much what the Bible had been in the hands of the Puritans during the Puritan Revolution in England. As Burke pointed out, when speaking of the Puritans in this country,

> The dissenting interests have sprung up in direct opposition to all the ordinary powers of the world; and could justify that opposition only on a strong claim to natural liberty. Their very existence depended on the powerful and unremitted assertion of that claim. All Protestantism, even the most cold and passive, is a sort of dissent. But the religion most prevalent in our northern colonies is a refinement on the principle of resistance; it is the dissidence of dissent; and the Protestantism of the Protestant religion.

It is on the fact thus clearly stated that many still persist in the assumption of a Protestant origin for our American liberties. But the truth is not far to seek. The logical conclusion from such a conception of liberty is none other than that drawn by Kant from the premises he adopted from Rousseau: "Right and the power of coaction are one and the same thing."

That this conception was utterly foreign to the framers of our Constitution is evident from the following words in Washington's *Farewell Address* (1796):

> Respect for its [the Government's] authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and alter their constitutions of government; but the constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presupposes the duty of every individual to obey the established government.

Lest it should still be thought that the people can do no wrong he adds somewhat further on:

> Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths which are the instruments of investigation, in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principles.

The answer of some may, of course, be that these were Washington's own personal views and that therefore they are not truly implicit in our Constitution. But this would be to lose sight of a fact not sufficiently emphasized, viz., that the framers of our Constitution were not so much adherents to the Protestant as to the Whig tradition of liberty. "This glorious spirit of Whiggism," said Chatham in Jan-

uary, 1775, "animates 3,000,000 in America, who prefer poverty with liberty to gilded chains and sordid affluence, and who will die in defense of their rights as freemen." The best comment, therefore, on the words of Washington are these from Burke, the greatest exponent of Whig principles living at the time. In the "Appeal from the New Whigs to the Old" (1791), where a clear distinction is drawn between the two philosophies we have been insisting on, he says:

> I allow, that if no supreme ruler exists, wise to form and potent to enforce the moral law, there is no sanction to any contract, virtual or even actual, against the will of prevalent power. On that hypothesis, let any set of men be strong enough to set their duties at defiance, and they cease to be duties any longer. . . . Taking it for granted that I do not write to the disciples of the Parisian philosophy (i.e., of Rousseau, etc.), I may assume, that the awful Author of our being is the Author of our place in the order of existence; and that having disposed and marshaled us by a Divine tactic, not according to our will, but according to His, He has, in and by that disposition, virtually subjected us to act the part which belongs to the place assigned us. We have obligations to mankind at large, which are not in consequence of any special voluntary pact. They arise from the relation of man to man, and the relation of man to God, which relations are not matters of choice. On the contrary, the force of all pacts which we enter into with any particular person or number of persons amongst mankind, depends upon those prior obligations. In some cases the subordinate relations are voluntary, in others they are necessary—but the duties of all are compulsive.

Now such Whig principles by no means Protestant in their origin, but rather medieval, are clearly identical with "the principles of American liberty" and in obvious contradiction with those so loudly advertised by so-called modern liberals under such misleading labels as, "*Liberté, Egalité, Fraternité.*"

America,
December 28, 1918

DOES THE MAJORITY RULE?

MAJORITY rule is not an American doctrine. It conflicts with the true nature and spirit of our institutions, and its acceptance in this country is largely responsible for the conditions that make for second-rate statesmanship. The present failure of our party system is the logical consequence of that exaltation of the "general will" which the doctrine implies. Much confusion with regard to the proper function of our courts, and the actual bearing of judicial decisions, is owing to the vague and distorted notions of justice that necessarily follow from such a doctrine. University professors of political science, misled by the fact that the doctrine has come to prevail amongst us, find themselves unable to explain the legitimacy of the manner in which our Constitution was ratified by the people *in the States.*

Even Webster, in his famous controversy with Calhoun, failed to grasp the full significance of that word "in," but that required something more than a politician's notion of the doctrine of consent. True it is, and fortunately for us, the Supreme Court, thanks to the precedents established by Marshall, has remained consistently sound in this respect. But the reasoning of our highest court, when engaged in such a practical matter as interpreting the Constitution, could scarcely be expected to appeal to the scholar, so long

as there were German theories, derived for the most part from Kant, to fall back upon.

To assert that the doctrine of majority rule is not an American doctrine may appear to many to amount to a reactionary opposition to democracy. This is not true; quite the contrary. But it does really seem as though we had bowed our heads before democracy and talked around it long enough to realize that, like any other human aim, it can only be achieved by straight thinking.

The fact of the matter is, we have allowed an alien doctrine to usurp in our political life the place which properly belongs to what may seem to be the same, yet is in fact all but a contradiction of it. I refer to what, in view of the specific provisions and spirit of the Constitution, is the sound American doctrine, namely, majority *decision.* Perhaps the best way to bring this distinction clearly home will be to point out how different is the historical tradition upon which each rests. For the one is of Stoic origin, and the other distinctly Christian.

At first sight there would appear to be little to object to in Ulpian's statement, *refertur ad universos quod publice fit per majorem partem* (to the whole is to be attributed what is publicly done by the majority). Yet for him it directly implied the Stoic doctrine of the natural law, that is to say, a *vis* or fatalistic force behind the universe, and that doctrine of majority rule which properly derives from it, necessarily involves that the will of the many should dominate. It is precisely this purely instinctive element of force that constitutes the un-American and objectionable feature of the doctrine of majority rule, which was foisted

upon us by those who were taken in by French revolutionary thought.

Majority decision, on the other hand, traces back to the *major et sanior pars* of Pope Alexander III in the twelfth century, and finds its justification in the principle stated by Innocent IV in the thirteenth century, *quia per plures melius veritas inquiritur* (since through many truth is better discovered). The principle that the wishes of the majority are decisive, understood in the above sense, was taken over by the English Parliament from the Canon Law in the thirteenth century, and our American doctrine is derived directly from this source.

The difference between the two doctrines, as will be noted, consists in the fundamental distinction between force and truth. In the one case the assumption is that the *will* of the many is ultimate, unerring, and absolute, whereas in the other nothing more is implied than a method of procedure and a measure of patience, and, in the case of the State, presupposes that the people of the State have consented at least tacitly to compromise their differences in this manner, until the majority succeeds in convincing the minority, or the minority succeeds in forming a majority in favor of its position.

In this respect, the validity of either doctrine can best be tested by a reference to the theory of equality which each logically implies. According to the Stoic philosophers and Roman jurists, inequality in any sense is to be deprecated as something wrong and unnatural. As Cicero puts the matter, "If the corruption of customs and the variation of opinions did not induce an imbecility of minds, and turn them

aside from the course of nature, no one would more nearly resemble himself than all men would resemble all men." As will be readily seen, such a theory results in a denial of any rights in the individual as against the majority. Moreover, it was the revival of this view of equality by the French Revolutionists, imbued as they were with the French tradition of Roman law, that has given rise to our modern Socialistic movements, which originated, it should be remembered, in France itself.

It is a curious fact and one which shows the peculiar influence which Stoicism has exerted over the human mind, that scholars in English-speaking countries should have been so insistent in maintaining that Christianity in the beginning did no more than adopt the ethical system of the Stoics, and together with it their theory of equality. The real reason for this undoubtedly is that they falsely assume that Calvinism, in large measure a revived form of pagan Stoicism, was what the Reformers unhistorically claimed for it, a genuine return to primitive Christianity. Be this as it may, A. J. Carlyle, in the first volume of his otherwise very excellent work, *Medieval Political Theory*, assumes with unsuspecting assurance that St. Paul and the early Fathers could not possibly have meant anything different from the Stoics in their use of the word equality.

In this, Carlyle has had many followers. Max Radin, for instance, in an article that appeared in the *Political Science Quarterly* for June, 1923, entitled "Roman Concepts of Equality," makes a truly learned survey of all that the Roman philosophers and lawyers had to say on the subject. But his manner would seem to savor of the flippancy of

those for whom knowledge is more of a social asset than a means to salvation. He assumes throughout that the pagan way of looking at the matter is the only way possible. His conclusion is that the statement in our Declaration of Independence with regard to equality can be taken in no other sense than that intended by Ulpian in his statement of the Stoic doctrine, *quod ad jus naturae pertinet, omnes homines aequales sunt* (so far as the natural law is concerned, all men are equal).

Again, Professor Irving Babbitt, in his book, *Democracy and Leadership*, very properly insists that "equality as it is currently pursued is incompatible with true liberty." Then, for a sounder interpretation of the Declaration, he refers us to the saying of Aristotle that "it is not the possessions but the desires of mankind which require to be equalized." Aside from the fact that both Lactantius and St. Augustine, in the fourth and fifth centuries, pointed out the inadequacy of this view of Aristotle, he might have learned something of the correct traditional view had he avoided the mistake he makes in the statement that "Protestants, especially Calvinists, and Catholics, especially Jesuits, borrowed naturalistic concepts, such as the state of nature, natural rights, and the social compact." Whatever the Jesuits may have "borrowed," it was certainly not these "naturalistic concepts," as Professor Babbitt might have learned had he taken the trouble to read their works instead of trusting to the Jansenistic Pascal for his pet notions of them.

But to avoid the appearance of this being a case of *Cicero pro domo sua*, we can do no better than state the sound tra-

ditional view in the words of a medieval bishop who wrote in the ninth century, when feudalism was just beginning to develop. Jonas of Orleans, in his *De Institutione Laicali,* said:

> Those who are in authority should take care not to think those subject to them to be inferior by nature as they are by rank, for by a Divine disposition of Providence it has been brought to pass that one mortal man is defended by another mortal man, inferior not by nature but by a certain rank in this life, as when a weak man is defended by a strong man through a proper authority in government, yet in such a manner that he is always recognized as equal by nature. Though this is so, many swollen with goods doomed to perish and soon to slip away from them do not acknowledge as their equals by nature either those over whom they are in authority or those whom they excel in power and dignities and riches. And if they do admit it in words, still they do not admit it in their attitude towards them. It is clear that this vice has its source in pride. For why are master and slave, rich and poor, not equal by nature, who have in heaven one and the same God, who is not a respecter of persons?

It should be quite evident that this doctrine is a radical departure from that of the Stoics. A man may be a slave or a serf, yet he has an inalienable right not to be used as a mere means to the personal ends of another. He may be a millionaire, but he has the inalienable duty to respect such rights. Or, in other words, no man *of himself* has any right to impose either his will or his views on another. And what is true of the individual is true of the majority, for

the mere element of numbers cannot confer the right.

This is the doctrine of equality that is presupposed and implied in our American doctrine of the supremacy of law —a doctrine which, strangely enough, we find already being formulated by Hincmar of Rheims, some twenty-five years after the words of Jonas of Orleans quoted above, were written, and clearly accepted by Charles the Bald, as appears from a letter of his to Pope Adrian II. Both doctrines will be found frequently reiterated in the decisions of the United States Supreme Court. Perhaps the most striking instance is the case of *Yick Wo vs. Hopkins.* Yick Wo, a Chinaman, who, because of our naturalization laws, was unable to become an American citizen, was denied the right to continue to carry on his laundry business, and it was held that as there was nothing in the objective circumstances and public necessity to warrant this discrimination, such action on the part of State officials was unconstitutional. As Justice Matthews said in the course of his opinion,

> The law is the declaration and limitation of power. It is indeed quite true that there must always be lodged somewhere and in some person or body the authority of final decision. . . . But the fundamental rights to life, liberty and the pursuit of happiness, considered as individual possessions, are secured by those maxims of constitutional law which are the monuments showing the victorious progress of the race in securing to men the blessings of civilization under the reign of just and equal laws. So that in the famous language of the Massachusetts Bill of Rights, the government of the commonwealth 'may be a government of laws and not of men.' For the very idea that one man may be com-

> pelled to hold his life or the means of living, or any material right essential to the enjoyment of life at the mere will of another seems to be intolerable in any country where freedom prevails, as being the essence of slavery itself.

This is the Christian, not the Stoic, idea of equality. It is derived not from French revolutionary thought, but from the English Common Law and the Catholic Canon Law. Majority decision, not majority rule, is the American doctrine.

America,
April 4, 1925

AMERICAN AND ENGLISH LIBERTY

"AGAINST the insidious wiles of foreign influence, I conjure you to believe me, fellow citizens, the jealousy of a free people ought to be constantly awake since history and experience prove that foreign influence is one of the most baneful foes of republican government." "Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest in cases where no real common interest exists and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter without adequate inducement or justification." In the light of this two-fold statement from the *Farewell Address* of Washington the thoroughly un-American tone that persisted in much of the literary, political and educational thought of the country became properly a matter of much concern. Self-appointed Americanizers, ignorant of our real history or of its true meaning, were an abiding menace to the sanity of our laws and to the supreme wisdom of our traditional foreign policy.

In a very proud sense we are a nation of emigrants. Whether in our own person or in the person of our ancestors, we came out of Europe in quest of a freedom from oppression or in search of a freedom of opportunity, under just law, such as no longer obtained in any of the many countries from which this nation is at present gathered.

When Madison, moreover, in the preface to his notes on debates on the Federal Convention, spoke of the Constitution as that "on which would be staked the happiness of a young people great even in its infancy, and possibly the cause of liberty throughout the world," he expressed what was very definitely before the minds of Washington, Jefferson, Franklin and of all who took any part in shaping the destinies of this people at the time when they first assumed "among the Powers of the earth, the separate and equal station to which the Laws of Nature and Nature's God entitle them."

In the days of his earlier liberalism and before the French Revolution, with its futurist dreams, drove him back on something of an over-emphasis of the function of private property and of privilege, as a safeguard "from the invasions of ability" that recognized neither law nor conscience, Burke, with his eyes on conditions in Europe, said: "Nothing less than a convulsion that will shake the globe to its center can ever restore the European nations to that liberty by which they were once so much distinguished." That he included England in this survey is evident from his whole career and from the way in which, in his speeches and writings he repeatedly harped on the necessity "of recalling the people of England to their ancient principles." At the time when certain members of the Whig party were contemplating secession from Parliament as a protest in favor of the colonies Burke favored the measure insofar as he saw that "It would undoubtedly have an effect to revive the cause of our liberties in England, and to give the colonies some sort of mooring and anchorage in this country."

Until recently, moreover, it was always held that we separated from England precisely on the ground that the liberty to which we had a rightful claim, both as men and as legitimate heirs of the "ancient liberties of England," was being denied us. But when the university professors had begun to write our history backwards and to re-interpret it in the light of alien theories of government culled in principle from German and English philosophers, there were those in the country then who would have had us reverse this judgment. Whether because of a merely superficial knowledge of modern England or else owing to their own deep ignorance of the real meaning of American liberty, many still maintained with Owen Wister that the good-will of England was important to us "not alone for material reasons, or for the sake of safety (*sic*) but also for those few deep, intimate ideals of law, liberty, life, manhood and womanhood *which we share with her.*" (Italics ours.)

In view of the many dangers that lurk in this illusion of an imaginary common interest in a case where no real common interest exists, it was a satisfaction to turn to the words of David Jayne Hill in *American World Policies,* where, true to the sound American traditions, he scored this abject attitude of mind. Speaking of the nature of political authority as embodied in our Constitution and as entertained by most of our people, he says:

> We consider that government is founded on rights inherent in the people who establish it and live under it, and that it has no authority except as it emanates from them. A free people may rightly constitute a State, which then becomes itself a possessor of rights

in its relation to other States, because it is an institution for the protection of rights. If it is not an expression and embodiment of people's rights, it is merely an expression and embodiment of power.

The British Empire is not based on these conceptions. Its statesmen speak of "liberty," but liberty in Great Britain has never been held to be a natural inherent personal attribute. This is an American doctrine, and we made a revolution to establish it. The British Parliament rules whole nations against their will, in its own interest, nations which have no representatives in it. An omnipotent Parliament, restrained by no law, has under its control and rules under its laws more than one-fourth of the population of the earth, scattered over every quarter of the globe, without representation in its government.

The quarrel between the colonies and the English Parliament was a turning point for England. It was a question whether government was to continue what it had been ever since the days when Thomas Cromwell, Cecil and Leicester introduced Protestantism into the land to make room for their own Machiavellian policies—that is, a government oppressive of the many in the interests of the few—or whether the older medieval tradition of government together with the medieval principle that kings and governments are subject to the higher law of equity and justice no less than individuals, was again to prevail. Both the tradition and something of the principle had been recaptured by the Whigs in 1688 and at the time of our Revolution the Rockingham Whigs, then in opposition, were earnestly bent on

bringing them to a fuller fruition. But England repudiated the principle when she drove us into rebellion and since then she has stood forth with nothing but the shell of her ancient tradition. Ours has been the destiny to carry it on in the fulness of its vigor down to the present hour, vitalized and solidly grounded in all the soundness of the medieval, scholastic and Whig doctrine "All men are endowed by their Creator with certain inalienable rights" to *secure* which "governments are instituted among men, deriving their just powers from the consent of the governed."

Thus political connection between the colonies and Great Britain was broken off because, as the English writer, Stephen Leslie, says: "English statesmen could only regard it from a shop-keeping point of view." Nor, in spite of Elihu Root's statement to the contrary, has England ever acknowledged the doctrine of inalienable rights in the individual, since the day when her kings got rid of the Pope that they might have wider scope for their arbitrary ways. The king's right to his throne is still regarded as of the same nature as a right to a private estate. Political rights are still colored by the conception of their derivation from property in land.

Until quite recent years freeholders, as owners of the soil, might give notice to the rest of the population to quit, and today the owners of wealth conceive it to be their natural right to carry on government in their own interests. Every man, indeed, has certain sacred rights but these accrue to him, not in consequence of any inherent rights which would imply that the true source of law is in the nature of man

and not in the possession of arbitrary power, but in virtue of "prescription" or tradition through his inherited position in the social organism.

Bentham, the father of English utilitarianism, who shaped the grooves for the English legal mind, looked upon our Declaration of Independence as a hodge-podge of confusion and absurdity. His first work was an attempt to refute the Whig doctrine of natural rights as he found it laid down in the "Commentaries" of the great Whig lawyer, Blackstone. Confusing this, in his own muddled way, with the Rousseauistic notion in the French *Declaration of the Rights of Man* which Burke so signally repudiated in his *Appeal from the New to the Old Whigs,* he introduced his own theory of "the greatest happiness of the greatest number," or what has since been called the "felicific calculus." According to this the first condition of happiness is not "equality," which should mean equality before the law, but "security." The primary purpose of government is to provide this and the essence of government, in the utilitarian mind, is force; force distributed among subjects it is true, but since subjects, in this English conception, are simply moved by their own interests, they will apply this power as distributed to them to secure those interests.

In all this we have the explanation of England's attitude towards her dominions. The real sense of the phrase appears in Edward VII's proclamation to the princes and peoples of India (November 2, 1908): "I will not suffer them [conspiracies] to turn me aside from my task of building up the fabric of security and order."

In his *Address to the King* Burke while pleading the

cause of the colonies, predicted what would be the consequence to English liberties should the just demands of the colonies be denied them. He said:

> Parliament is a security for the protection of freedom and not a subtile fiction contrived to amuse the people, in its place. The authority of both Houses can, still less than that of the crown, be supported upon different principles in different places; so as to be for one part of your subjects, a protector of liberty, and for another a fund of despotism through which prerogative is extended by occasional powers, whenever an arbitrary will finds itself straitened by the restrictions of law.

The truth of this prophetic condemnation of English imperialism is borne out in the words of David Jayne Hill in which he develops the reasons why America should not have entered the League as at first constituted. He said:

> It would be an error to suppose that imperialism is essentially dynastic. Its present phase is that of race domination and economic control. Imperialism is not so much a form of government as it is a lust for power. The greatest menace to the peace of the world today is the menace of the socialized State; which is based on a crassly materialistic philosophy, and if generally realized would transform whole nations into industrial and commercial corporations claiming absolute sovereign authority, pitted against one another in rivalry to possess the wealth of the world.

A true concept of liberty and of the nature and proper function of the State in relation to liberty is of greater mo-

ment at present than it ever was before; and if America is to serve the cause of peace, it will only be by a clear and generous proclamation of her own true principles and not by bartering them for an international "security" based on mere utilitarian expediency. How far England herself has been lately coming around to what Burke called "Magnanimity in Politics" has been set forth recently by W. P. Hall in *Empire to Commonwealth* where he gives us a striking account of the last thirty years of British imperial history.

America,
August 21, 1920

THE GREAT EVASION IN HISTORY

"THERE is such a widespread dissatisfaction with existing theories of jurisprudence and so general a conviction that they do not solve the questions they pretend to dispose of as to justify the suspicion that *some line of inquiry necessary to a perfect result* has been incompletely followed or altogether omitted by their authors." (Italics ours.) These words from Sir James Henry Maine's first and best known work, "Ancient Law," were written as far back as 1861. That they still hold true is clear even to the lay mind. Like a boomerang they now return upon Maine himself. His own attempt to improve on Bentham and Austin has only succeeded in setting the legal mind of this country and of England on one more scent that has proved to be misleading. Working under the influence of Hobbes' nominalism in political philosophy, a creed of which both Bentham and Austin had constituted themselves the apostles, he applied what he conceived as the "historic method" to the study of early institutions. One of his latest and most learned commentators says in praise of his work that "he did nothing less than create the natural history of laws." But this is only another way of saying that he merely added a chapter to that sublimated branch of zoology known as the Darwinian theory of evolution. Present-day dissatisfaction with existing theories of jurisprudence still justifies

a suspicion that, as in Darwin's case, there is a link missing somewhere. Unlike Darwin, however, Maine should have hit upon the line of inquiry necessary to a perfect result which he set out to discover. This failure is only one of many instances of that complacent ignorance, so frequent among the learned, of things which, in view of their special claim to knowledge, they ought to know. Except for his initial assumption that legal conceptions are as much the product of historical development as biological organisms are, by some, supposed to be the outcome of evolution, Maine's mind would have been free to face the fact he himself refers to when in his chapter on legal fictions he says: "The judges of the thirteenth century may have really had at their command a mine of law unrevealed to the bar and to the lay-public, for there is some reason for suspecting that in secret (?) they borrowed freely, though not always wisely, from current compendia of the Roman and canon laws." This mine of law unrevealed was nothing more nor less than the natural law as correctly conceived in the Middle Ages. Without a proper understanding of this, not only will the Middle Ages ever remain a mystery to the "modern" but we in America will continue to overlook the fact that our own great nation is founded on principles that are older and more nearly Christian than those embodied in the constitution of any other country, since the days of the Renaissance and the Reformation.

With the idea of natural law as defined by Grotius and his successors in mind, Maine could not admit without a radical modification of his theory of development, that the medieval conception could be in any degree more perfect

or truer than that known to modern times. The thought that Grotius, though an advance, was merely an advance on the anarchy created by the Reformation could not so much as be entertained. The inevitable consequence was that when Maine comes to deal with the appeal made to natural law by the colonists at the time of our providential break with England, he can see no more than that "the American lawyers of the time, and particularly those of Virginia, appear to have possessed a stock of knowledge which differed chiefly from that of their English contemporaries in including much which could only have been derived from the legal literature of continental Europe." This judgment is all the more strange in that it shows that Englishmen are as incapable of understanding Burke, the greatest by far of all political thinkers, as they are of understanding Ireland. Both Burke and the Whig colonists stood for principles which when taken together are entirely distinct from those of every continental and modern English political philosophy thus far recognized by the writers of legal text-books. When Franklin said: "The *all* of one man is as dear to him as the *all* of another and the poor man has an equal right but more need to have representatives in the legislature than the rich one," he was thinking of the right to private property in a sense either explicitly or logically denied by Hobbes, Rousseau, Kant, Bentham, Austin and their followers. When Washington in his "Farewell Address" declared that "Respect for its authority [government's], compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true Liberty" he spoke a language no longer intelligible to minds sophisticated

by European theories of government. Franklin again had something far deeper and more vital in mind than mere political expediency when he wrote that "the ordaining of laws in favor of one part of the nation, to the prejudice and oppression of another, is certainly the most erroneous and mistaken policy. An *equal* dispensation of protection, rights, privileges, and advantages, is what every part is entitled to, and ought to enjoy."

A complete summary of the genuine Whig doctrine on law and government will be found in Burke's *Tracts Relative to the Laws Against Popery in Ireland*:

> As a law directed against the mass of the nation has not the nature of a reasonable institution, so neither has it the authority: for in all forms of government the people is the true legislator; and whether the immediate and instrumental cause of the law be a single person or many, the remote or efficient cause is the consent of the people, either actual or implied; and such consent is absolutely essential to its validity. To the solid establishment of every law two things are essentially requisite: first, a proper and sufficient human power to declare and modify the matter of the law; and next, such a fit and equitable constitution as they have a right to declare and render binding. With regard to the first requisite, the human authority, it is their judgment they give up, not their right. The people, indeed, are presumed to consent to whatever the legislature ordains for their benefit; and they are to acquiesce in it, though they do not clearly see into the propriety of the means by which they are conducted to that desirable end. This they owe as an act of homage and just deference to a reason which the necessity

of government has made superior to their own. But though the means, and indeed the nature of a public advantage, may not always be evident to the understanding of the subject, no one is so gross and stupid as not to distinguish between a benefit and an injury. No one can imagine, then, an exclusion of a great body of men, not from favor, privileges and trusts, but from common advantages of society, can ever be a thing intended for their good, or can ever be ratified by any implied consent of theirs. If, therefore, at least an implied human consent is necessary to the existence of a law, such a constitution cannot in propriety be a law at all.

But if we could suppose that such a ratification was made not virtually, but actually, by the people, not representatively, but even collectively, still it would be null and void. They have no right to make a law prejudicial to the whole community, even though the delinquents, in making such an act, should be themselves the chief sufferers by it; because it would be made against the principle of a superior law, which it is not in the power of any community, or of the whole race of man, to alter—I mean the will of Him who gave us our nature, and in giving impressed an invariable law upon it. It would be hard to point out any error more truly subversive of all the order and beauty, of all the peace and happiness of human society, than the position that any body of men have a right to make what laws they please or that laws can derive any authority from their institution, merely and independent of the quality of the subject matter.

Burke then refers to Hobbes, but were the former still living he could just as well have referred to every political theorizer from Hobbes to Laski, formerly of Harvard, for

the contrary doctrine. On the other hand, there should be nothing surprising in the fact that after insisting on equity and utility as the two foundations of law Burke ends up by quoting the Jesuit Suarez in substantiation of his own Whig doctrine. Mr. Gaillard Hunt, chief of division of manuscripts, Library of Congress, has pointed out the connection between a passage in the writings of Bellarmine, another Jesuit, and Jefferson's enunciation about governments "deriving their just powers from the consent of the governed" in the Declaration of Independence. (The *Catholic Historical Review*, vol. III, 1917, pp. 276-289.) More recently Professor Charles H. McIlwain of Harvard in his introduction to "The Political Works of James I" states that "At a single glance it becomes obvious how much English theorists, for two centuries and more, owed to a party (the Jesuits) whom they dared not acknowledge." But the mistake he makes, in common with G. P. Gooch and others, is in identifying too closely the Jesuit and scholastic doctrine with the arbitrary use the Puritans made of it. They treated it pretty much in the same way as they treated the Bible. As Bellarmine wrote in answer to James I when the latter attacked him on this score, "The King will never be able to prove that I have made subjects superior over their rulers or that I have subjected the royal power to the popular will; the people cannot without crime rebel against their legitimate prince or conspire against him." But if scholastics and Whigs differed from the Puritans and from Rousseau in maintaining the principle of authority they differed no less from Hobbes, Grotius, Kant

and English utilitarians and American pragmatists by their insistence on the "inalienable rights" of the individual. When Franklin said of these: "How can we prize them equal to their value, if we do not know their intrinsic worth, and that they are not a gift bestowed upon us by other men, but *a right that belongs to us by the laws of God and nature?*" (Italics ours) he stated what in the medieval scholastic and Whig conception of the natural law constitutes the real foundation of natural rights.

Insignificant as this may appear to some, its importance at present is really of supreme moment. From the First Council of Nice when the controversy about the Trinity was settled until Locke again confused the whole matter for the modern mind, the term person was clearly used in the sense that every human being was the subject of duties and rights that had their metaphysical and moral foundation in the very fact of man's origin and in the purpose of his existence. Both were seen to be inherent. Such, however, was not the case in Roman law, where personality was used to mean a privilege conferred upon the individual by the State at the moment he became a citizen. Between the citizen and the stranger there were no such things as duties and rights recognized by Roman law for the simple reason that these were not considered as inherent in the nature of man. When writing his "*De Jure Belli ac Pacis*" Grotius, who was not a philosopher but a Renaissance compiler, borrowed both from scholastic writers and from Roman law. Arguing about State from the analogy of personality he missed this distinction between the pagan

and the Christian conception and with disastrous results.

Admitting the inherence of duties and rights in the individual, the State as a moral person is a reality with a metaphysical and moral foundation. Its rights and duties towards other States are the resultant and the consequence of the duties and rights existing between individuals. Moreover, the State is subject to the same superior law to which the individual is subject and to which Burke refers in the passage given above. But this was not the line Grotius followed. Taking person in the sense it had in Roman law the personality of the State turns out with him to be a legal fiction, and all real foundation for duties and rights as among States disappears. From the point of view of rights between belligerents there could, according to Grotius, be no distinction between a just and an unjust war. In this he was followed by Puffendorf and Wolff, while Kant in his much vaunted "Eternal Peace" declares that there can be no such thing as justice between nations since there is no one superior to them to impose it, i.e., constitute it.

This explains why the Hague conferences fell so far short of American expectations. When the American delegation proposed the question of obligatory arbitration they found themselves in opposition to the European idea of the State. Without seemingly being aware of it, they were arguing from different premises. This difference in political tradition, moreover, explains why the terms "consent of the governed," "self-determination" and "the rights of small nations" which in their American meaning have or should have a real foundation in the order and nature of things, sound to the ear of European statesmen like sheer idealism.

With truth clearly could the non-Catholic French writer, M. Seignobos, in his book, *Les Conditions d'Une Paix Durable*, hark back to the Middle Ages and then exclaim, "This international anarchy has its roots in the idea itself of sovereignty, defined as absolute power."

America,
September 4, 1920

INTERNATIONAL LAW

I

American Principles, and Medieval Traditions.

PERHAPS to few of Joseph Conrad's many readers would it ever occur to view him as a deep thinker on international politics. Yet, as far back as 1905, his Polish blood seemed to feel the stir of coming events and, like Kubla Khan in Xanadu, he

> . . . heard from far
> Ancestral voices prophesying war!

In the July number of the *Fortnightly Review* of that year, there is an article by him entitled *Autocracy and War*, which bears striking testimony to his judgment and foresight. Not only did he predict the aggression of Prussia, already beginning to loom considerably larger than a mere probability in the minds of many, but he also analyzed the Russian situation and gave early warning of Russia's inevitable collapse. The point in the article, however, of special interest for us is the arresting statement which sums up what was to his mind the only solution to the great international entanglement: "The trouble of the civilized world," he said, "is the

want of a common conservative principle abstract enough to give the impulse, practical enough to form the rallying point of international action tending towards the restraint of particular ambitions."

With the world's conscience aroused by the War, these words, though no more true than when written, sound as if uttered by some oracle. The more so, perhaps, since Conrad, like the real oracle of old, left his readers in uncertainty as to a definite application of his statement. He gave reasons, indeed, and their soundness may be judged from the fact that after the outbreak of the War, they were clearly reflected in the opinion which there is good reason to impute to ex-President Taft, that "care must be taken not to put too much reliance upon formal declarations and upon the machinery of even the most approved international system." [1] But whence this principle was to be derived, or what were to be the conditions for its honest and forceful enunciation, Conrad, naturally enough, left the future to decide. That it did so is now a matter of history, though the enunciation came from a quarter which, doubtless, it never entered into the mind either of Joseph Conrad or of his European readers to suspect.

On April 2, 1917, in his address delivered at a joint session of the two houses of Congress, President Wilson made this momentous assertion: "We are at the beginning of an age in which it will be insisted that the same standards of conduct and responsibility for wrong done, shall be observed among nations and their governments that are observed among individual citizens of civilized states." How-

[1] *The Basis of a Durable Peace*, by Cosmos, p. 65.

ever slight one's acquaintance with the world's history during the past several centuries, such an utterance could not fail to strike him with startling effect. At any other period within memory, its reception by the nations would have been, to say the least, decidedly supercilious. It would have met with pretty much the same knowing air with which we might imagine members of the fast set listening to the plain statement of an indubitable moral principle shyly delivered by some "inexperienced" innocent. Yet the remarkable thing about this utterance of President Wilson is that not only was the public opinion of this great country and ultimately, it may be hoped, of the world in general, being gradually committed to the policy of working and fighting and suffering, if need be, for the full realization of the principle it contains, but that although emanating from the chief representative of the youngest of the great nations, it is supported by traditions older, sounder and more in keeping with Christian philosophy than those of any other government in existence today.

If we look back to the beginning of our own history, we find George Washington in his first inaugural address (1789) insisting on the same principle in terms even more explicit. "The foundation of our national policy," he said, "will be laid in the *pure and immutable principles of private morality*, and the preëminence of free government be exemplified by all the attributes which can win the affections of its citizens and command the respect of the world. I dwell on this prospect with every satisfaction which an ardent love for my country can inspire . . . since we ought to be . . . persuaded that the *propitious smiles of Heaven can never*

be expected on a nation that disregards the eternal rules of order and right, which Heaven itself has ordained; and since the preservation of the sacred fire of liberty, and the destiny of the republican model of government, are justly considered as deeply, perhaps as finally, staked, on the experiment intrusted to the hands of the American people."

Again in his farewell address on September 17, 1796, he touched more particularly on the question of our international dealings in these words: "Observe good faith and justice towards all nations; cultivate peace and harmony with all; *religion and morality* enjoin this conduct; and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and *too novel* example of a people always guided by an exalted justice and benevolence."

This, in the mind of Washington, as his words indicate, was something very new in the world; and from our present outlook we may well add that it was something very singular; for the same year in which Washington made his first inaugural address, marks the beginning of the French Revolution, which at one period of its misguided career closely skirted the American idea of the State, only to miss it finally by the widest possible margin. Yet the fact remains that the conviction that the immutable principles of morality should be strictly considered as binding on governments and individuals alike, had been held and enforced in earlier times; and in this sense there was really nothing new in Washington's speeches. It was merely that the traditions supporting this conviction had long since been set aside, and

a numberless series of attempts made to justify by false doctrines the policy and actions of governments that contravened that principle.

In corroboration of this statement, it is interesting to note here that, between the date on which Washington delivered his farewell address, and the date of the promulgation of the bull *Ineffabilis* (September 25, 1296), in which Boniface VIII sought to bring Philip the Fair of France to a practical recognition of this same principle, there was an intervening period of exactly five hundred years to the very month. As this attempt by Boniface, however, proved futile, and as the validity of the principle of moral obligation for both State and individual began gradually, from then on, to lose its force in the world of nations, George Washington's clear and emphatic statement of it may be truly considered as being something in the nature of a rediscovery. But as will appear in the sequel, not only was it normally accepted during the first centuries of the Middle Ages, but its constant enforcement was the means whereby the real foundations were laid for the "republican model of government" mentioned by Washington in the passage previously quoted.

That "international duties and responsibilities are necessary corollaries of the true conception of the State," [1] follows from what we have just seen. Hence it is important to retrace the origin and growth of this principle of the State's moral obligation, and to show how it was preserved from utter oblivion throughout the period during which

[1] David Jayne Hill, *Proceedings of the Second Pan-American Scientific Congress*, section 6, International Law, etc., vol. vii., p. 94.

it was set aside, until, in spite of the adverse influence of opposing forces, it again reappeared in our Declaration of Independence, was restated by George Washington and his successors, and was proclaimed by President Wilson as the only satisfactory solution of the grave international problem to be dealt with after the War. Once it is clear that this principle lies at the very root of our civilization, that without it our civilization could not have grown at all, its abstract value, necessary "to give the impulse," will become apparent; while its practical reëmbodiment in our own traditions and in the foundations of our government will show it to be a fit "rallying point in international action," such as Conrad saw was required, "tending towards the restraint of particular ambitions."

In turning our face to the past, however, we are confronted by the vulgar misconception that in the Middle Ages men looked upon authority as irresponsible, that they conceived of the ruler as a person who exercised a capricious and almost unlimited control over his subjects, and that people then had little thought or regard for any rational principles of social organization. This, together with the view that the Middle Ages were unchanging, is primarily due to the shallowness and ignorance of the men of the new learning and of the Renaissance, and is an heirloom of bigotry and prejudice inherited from the violent struggles of the Reformation and of the French Revolution.

The real facts of the case prove just the opposite, as has been convincingly shown by Mr. A. J. Carlyle, whose *History of Medieval Political Theory* marks an epoch in the treatment of the Middle Ages by non-Catholic historians. "It

is of course perfectly true," he says, very much to our purpose, "that medieval society often seemed to oscillate between an uncontrollable and arbitrary despotism and an anarchical confusion, but this was due not to the want of clear conviction of the right and duties of rulers and subjects, but to the absence of an effective instrument of government. The history of medieval society constantly impresses upon us the conviction that the real difference between a barbarous and a civilized political system, lies in the fact that the latter has an almost automatically working administrative and judicial machinery, while the former is dependent upon the chance of the presence of some exceptionally competent and clear-sighted individual ruler." [1] Or, to epitomize the matter in paradoxical phrase, the Middle Ages had the principles which only needed enforcing, whereas we, in lieu of principles, have the omnipresent policeman to guard from destruction the institutions to which the medieval principles gave rise.

To the men of the Middle Ages the one principle that lay behind all authority of the State was the principle of justice. In their minds, much more than in ours, imbued as we are with Pragmatism, Socialism, and the other *isms* whose name is legion, the only conceivable justification of that authority was that it represented justice, and that its primary purpose was to maintain justice. Nor were they confused as to the meaning of the term, for in their conception "justice is . . . a quality of will, it is the will to carry out that which is in accordance with *æquitas*, and this is found first of all in God, and secondly in man. Neither God's

[1] Vol. iii., p. 31.

will nor man's determines the nature of justice, but justice is the conformity of the will of God and man with that which is *æquum*, the conformity of the will of God with that which is His own nature, for . . . God is *æquitas*." [1]

Or as the unknown author of the *Fragmentum Pragense*, which antedates the University of Bolögna, expressed it: "Equity is that fair arrangement of all things which demands equal rights under the same conditions. Thus God is called equity for the reason that he so wills; for equity is nothing else but God. This temper when considered as permanently residing in man's will is called justice, and this will when made mandatory either by written precept or custom is called law." These judgments formed the basis of the whole structure of feudal law, and on the strength of them the distinction between king and tyrant became one of the most important of all medieval conceptions.[2] The authority of the prince was, indeed, recognized as coming from God, but this was not interpreted in the sense which was claimed for it by Protestant and Gallican rulers after the Reformation. For not only was the prince held to be under God, but also under the law; and in medieval conception, law was something not made nor created by the ruler, but existing as part of the national life. It emanated from custom, and legislative acts were not expressions of will, but records or promulgations of that which was recognized as already binding upon men. Hence it represented an authority which even the king could not over-ride. In the words of the English medieval lawyer Bracton: "The king

[1] Carlyle, vol. ii., p. 11.
[2] *Ibid.*, vol. iii., p. 126.

has a superior, that is God, and the law by which he is made king; and also he has his court, namely, counts and barons, for counts and barons are so called as being the king's associates, and he who has associates has a master; if therefore the king should be without a bridle that is the law, they should impose a bridle upon him." [1]

Fully in keeping with all this was the medieval conception of contract; that is, of an explicit or at least an implied covenant between prince and people: a conception to be clearly distinguished from the speculations of the seventeenth and eighteenth centuries relating to an original or primitive pseudo-historical agreement between individual members, upon which political society was assumed to have been factitiously founded. The former, which reappears with its correct medieval interpretation in Jefferson's wording of the Declaration of Independence, was but a natural and legitimate conclusion from the principle of the election or recognition of the ruler of the community, and from the fact that the mutual oaths of the coronation ceremony constituted an agreement to observe the law and to administer and maintain justice. Moreover, as Mr. Carlyle has definitely pointed out, there is no doubt whatever that the normal medieval conception of the ruler was of one whose authority rested not only upon the election or consent of the community, but was exercised under the law and constitutionally, with the advice of persons who were not merely his dependents or creatures but in some sense, however vague and undetermined, the representatives of the community.[2]

[1] *Ibid., loc. cit.*, p. 72, and note.
[2] *Ibid., loc. cit.*, p. 154.

Thus far, it is true, the supposedly modern idea of the State as a natural institution had not yet been clearly recognized. It was not till Aristotle's *Politics* were rediscovered in the thirteenth century that St. Thomas Aquinas, under their influence and with his giant grasp of the principles both of reason and of revelation, reached the definite conclusion that the State was not merely an institution devised to correct men's vices, but rather the necessary form of a real and full human life;[1] and his doctrine may be said to have made its reappearance in the political world when Burke in his *Reflections on the French Revolution* stated that "He who gave our nature to be perfected by our virtue, willed also the necessary means of its perfection—He willed therefore the State—He willed its connection with the source and original archetype of all perfection."

Nor, could there be as yet any question of international law since all wars, until well on into the fourteenth century, were fought mainly on feudal grounds. The beginnings, moreover, of a commercial policy of an international character do not appear in England until the reign of Edward III, while Spain and France stand out for the first time as clearly consolidated nations only towards the end of the fifteenth century, at a date which synchronizes exactly, or almost exactly, with the discovery of America by Columbus.[2] But in the three great medieval conceptions, viz., that the purpose or function of the political organization of society is the maintenance of justice; that law as the concrete embodiment of justice is supreme over the ruler and the gov-

[1] *Ibid., loc. cit.*, p. 5. St. Thomas I. Q. 96, a 4.
[2] W. Cunningham, *Growth of English Industry and Commerce*, vol. i., pp. 265, 479.

erned; and that the relation between king and people is founded and depends on mutual obligations and agreement to maintain justice and law,[1] we have premises concerning the State from which we will allow an eminent authority on international law to draw our conclusion.

The "distinction," said David J. Hill at the Pan-American Scientific Congress in 1915, "between the constitutional State, founded upon the principles of justice, and the absolute State, founded upon supreme power, has a vital significance in international relations. For the absolute State, international law is merely a set of arbitrary rules, to which assent and obedience may be accorded, or from which they may be withheld, as it may be the good pleasure of sovereign power to determine. But for the constitutional State there are principles of natural justice which are of universal application, for they are the principles upon which the authority of the State itself is founded. To deny the universal validity of these principles and the obligation to observe them in international relations would be to stultify the entire constitutional system, and to admit that it has no solid basis. In short it would be the suicide of republicanism and the reassertion of autocracy; for international law regarded as a form of jurisprudence, is simply an extension to nations of the principles of justice upon which constitutional government is erected." [2]

Such then, in brief summary, were the ideas that prevailed throughout Christendom until the end of the thirteenth century; and such, as may be seen from the passage

[1] Carlyle, vol. iii., pp. 181-184.
[2] *Loc. cit.*, p. 95.

above, is their present bearing on international law, now that they are found reëmbodied in the foundations of our own government. And already, as has been shown by James B. Angell, "the policy of the American people has helped make the international law of the world more humane and just and benign." [1]

Now the question presents itself: whence did these ideas arise, since antiquity can show nothing comparable with them, and how did they come to develop as they did? The question is an important one, for it is chiefly in their historical setting that the practical value of such ideas is to be judged; it is a question, moreover, that must be answered correctly if the thought and events of the past and their influence on the present are to be viewed in their right light and in proper perspective.

First there are many misconceptions to be cleared away, among them the common notion that the customs and traditions of the early Teutonic societies will alone explain the origin and development of medieval ideas on government. This is clearly unsatisfactory. For though these customs and traditions provided a splendid working basis at the start, they furnished no adequate motive for persevering resistance to the vigorous tendency of strong and unscrupulous rulers to arrogate to themselves absolute and autocratic power; nor did they contain any explicit justification in reason for the claim they made on men's minds for allegiance, a justification absolutely necessary, if adverse influences were to be resisted and these same customs and

[1] *The Diplomacy of the United States—in Narrative and Critical History of America,* edited by Justin Winsor, vol. viii., p. 513.

traditions were to enjoy a consistent and normal development. In addition, however simple the motive and justification, they must also be true and in keeping with the general common sense and common nature of mankind. Superstition cannot account for real progress; least of all can it be made to account for the extraordinary progress that characterizes the Middle Ages.[1] Such notions as Luther's "justification by faith alone" or Kant's "categorical imperative," which would make the individual a law unto himself, may pass as currency with those who have lost their moorings, in a civilization sufficiently well organized on a basis of truth to resist for a considerable period, by the force of its own momentum, the power of false ideas. But it can readily be seen that such doctrines would have served but a sorry purpose, in the mouth of an Augustine or a Boniface facing the impatient and unruly Saxon, with the support of no other philanthropic society than the Church, and the prestige of no other home country than heaven, to back them up. Hence, we find the required motive for resistance to manifest injustice and the rational justification of what was good and true in the primitive Teutonic societies, provided by the teaching of Christian truths and enforced by the Church alone.

Latter-day writers have dated modern liberties back to Magna Charta, wrung from John Lackland at Runnymede in 1215, but this again is a mistake. Modern liberties, for all that "liberal" thinkers and German or Germanizing philosophers on government may say to the contrary, began with the Christian martyrs. They first won from the State

[1] Carlyle, vol. iii., p. 14.

a recognition of the principle that men are to render "to Cæsar the things that are Cæsar's and to God the things that are God's." Once the fruit of their victory had been gathered by Constantine in his ratification of the distinction between Church and State at the Council of Nice,[1] it was not long before this principle effected an entire change in the whole conception of law and of the State. To quote a semi-Hegelian: "There was no longer to be one supreme and absolute dominion ruling equally the whole life of the community. Christianity had . . . revealed the great opposition between State and Church, so full of consequences for mankind. The State gave up the claim to rule conscience by its laws; it recognized that beside it there was a religious community with its own principle of life, and likewise a visible body different from itself, and essentially independent. This was a limit preventing it from exercising omnipotent sway. It was compelled to hand over religious life to the guidance of the Church. It never, indeed, attained to full clearness with regard to its relations to the Church, but the freedom of religious belief and the reverence for God were saved from the arbitrary will of the temporal ruler. The authority of Christianity depended not on him. Further, the Christian universal empire was no longer to devour and annihilate the various nations, but to assure to all of them peace and justice. The medieval Roman emperor was not absolute lord over all nations, but the just protector of their rights and freedom."[2] From this to Magna Charta, to the establishment of Parliament

[1] *Ibid.*, vol. i., p. 177; also Hefele, *History of Church Councils*, vol. i.
[2] *The Theory of the State*, J. R. Bluntschli, English Translation, p. 29.

and to our own Constitution was, undoubtedly, a long process of development. Yet, when all is said, these were but by-products, in the temporal order, of the first initial victory of Christianity over Paganism.

Out of the principles on which this victory was won there followed logically, as far as the Church's stand in the matter was concerned, the great conflict between the Papacy and the Empire and the struggles between Church and Crown in England and in France. It has been traditional, of course, with non-Catholics to blame the Church and especially the Popes for all these quarrels. But, prescinding from the carefully scientific work in justification of the Papacy done by Catholic historians (whom the votaries of private judgment, for reasons best known to themselves, insist on ignoring), a complexus of testimony in favor of the Popes now exists, through the independent admissions of mutually conflicting non-Catholic historians. The grudging manner common in these admissions proves them to have been extorted by the objective fact that the emperors and kings were the real aggressors and not the Popes.

Bluntschli well says: "The idea of the national State had perished, destroyed by the breaking-up of the national and political unity, by the feudal system, by the conflicting claims of territories, estates, and dynasties. What remained of the Roman empire was rather an ideal international, than a political union of Western Christendom, and this union was held together more by the authority of the Pope and the Roman clergy than by the empire." [1] Had the Popes and the clergy not stood firm against the lawlessness and the

[1] *Loc. cit.*, p. 45.

autocratic aspirations of emperors such as Henry IV and the Hohenstaufen or of Kings like William Rufus and John Lackland, it is impossible to see where there could be any room in the world today for justice, liberty or constitutional government or any solid ground for international union. If on the Church's part there was a long protracted struggle against the repeated encroachments of the temporal powers, it was due to her consciousness of being in the possession of rights that were inalienably hers by reason of the constitution given her by Jesus Christ Himself and which no power on earth, whether lay or ecclesiastical, could in any way justifiably curtail. But "it was no part of the papal theory, as held by Innocent III," for instance, "to regard the Pope as a universal temporal monarch, or Rome as a centre of domination in all particulars. . . . It was supremacy in the realm of religion and morality that (he) had in mind when he proclaimed the superiority of the papal to the royal or the imperial authority. . . . His motive was not therefore to merge the spiritual authority in the civil, nor the civil in the spiritual, but to subordinate the one to the other in such a manner as to guarantee the peace of the Church and the security of its head." [1]

That this, moreover, was the attitude of the Popes in general is clear from the fact that Gregory VII, against whom the strictures of Protestant prejudice have been mainly leveled, in his many letters to the various kings of Europe in his day, emphatically describes secular authority as being derived from God, and as finding its true character in the defence and maintenance of justice; and his hope was that

[1] David J. Hill, *History of European Diplomacy*, vol. i., p. 318.

there might be a true concord and agreement between the *sacerdotium* and the *imperium*, the two authorities which God has appointed to rule over the world.[1] The plain and simple truth is that is was principally through the Church and the influence of the Popes, that the States of Europe came into existence at all as well-regulated communities possessing authority and aiming at prosperous independence.

To quote an Oxford scholar, "the Church worked in favor of the Crown less directly than indirectly. In paving the way for national union by her discipline, her doctrine, and her consolidation and organization, by counteracting the disruptive forces which were always threatening to break up the not yet consolidated realm, far more than by hedging round with the august rites of unction and coronation the accession of a new king, did the Church minister to the royal power." [2]

But in whichever direction she exerted her efforts: whether in implanting due reverence for authority in the minds of the people or in checking the tyranny of a lawless or unscrupulous ruler, the Church was ever insistent on the supremacy of just law; and when forced to defend her own rights, she was also defending the liberties of the people. "Where Innocent III had political rights," says another non-Catholic author, "he acted like any feudal lord; where he had ecclesiastical rights he acted according to canon law, and the practice of the papal chancery . . . and all the canons directly or by logical inference depend upon the Bible; and we shall not understand ecclesiastical preten-

[1] Carlyle, vol. iii, pp. 92-105.
[2] H. H. Henson, *Constitutional Essays*, edited by H. O. Wakeman and A. Hassal, p. 8.

sions, whether in law or diplomacy, unless we regard them as the churchmen did, as corollaries from the very words of God." [1]

This ecclesiastical system of law preceded the national systems in time and excelled them in precision. G. K. Chesterton but states two plain historical facts when he says, in *A Short History of England*, that "without the Church the Middle Ages would have had no law, as without the Church, the Reformation would have had no Bible."

Now one of the alleged "ecclesiastical pretensions" was the medieval and Catholic conviction based on "the very words of God," that the Pope has ordinary jurisdiction over all bishops in the Church. Kings and emperors might make them princes of the empire and barons of the realm, and thus obtain for themselves and their people advantages making for good government, not to be looked for from an hereditary nobility. Such a line of action was entirely their own affair. But it conferred on them no right to interfere with the independence of the bishops or of the Church in matters spiritual or to over-ride them in concerns of mixed import: partly spiritual and partly temporal. So long as the Pope's arm was not shortened this independence was maintained in spite of all disturbances. The episcopal sees of Europe were filled with worthy incumbents, and in all questions affecting the rights of the individual, the Church was found witnessing to a higher civilization and a truer standard of duty, for the Church represented the only idea of moral government attainable in that age of force, and without the idea of moral government there can be no such

[1] Sedgwick, *Italy in the Thirteenth Century*, vol. i., pp. 48-50.

thing as constitutional liberty.[1] As we have seen, constitutional liberty did exist and was, in theory at least, normal to this period of the Middle Ages. As President Wilson said in *The New Freedom:* "The only reason why government did not suffer dry rot in the Middle Ages under the aristocratic system which then prevailed, was that so many of the men who were efficient instruments of government were drawn from the Church—from that great religious body which was then, the only Church, that body which we now distinguish from other religious bodies as the Roman Catholic Church. The Roman Catholic Church was then, as it is now, a great democracy." [2]

If we turn to England, the country whose institutions and the principles they embody have contributed most to our idea of the State, we find that the controversy between Church and Crown centered mainly around two questions: the one, the right of appeal to the Pope and papal provision for English sees, the other, the king's right to tax Church property. With the former and its deep significance for Europe in general, we have just dealt. So long as it was settled in England in accord with the just claims of the Church and of the Papacy, England developed normally and rapidly along the line of healthy medieval ideas; for she was thereby endowed with a succession of strong prelates who were zealous in the defence of the Church's rights against all over-weening claims advanced by successive kings in the matter of taxation.

What this zeal and sturdy resistance has meant to the

[1] H. O. Wakeman, *Constitutional Essays*, p. 295.
[2] Ch. iv., p. 85.

world and to us Americans in particular, may be judged from the fact that by it were established the first precedents for the grounds of complaint enumerated by Jefferson in our Declaration of Independence. To Thomas à Becket we owe the first refusal of a subject to pay a tax to the Crown which he believed to be unjust; a refusal as bold, indeed, and certainly no less patriotic than that of John Hampden centuries later. Hugh of Avalon, Bishop of Lincoln, was the first to maintain successfully (1197) the doctrine that the lands in England were not taxable by the king for the prosecution of a war with which England had no concern. Geoffrey, Archbishop of York, preferred exile in 1297 rather than submit to the levying of a tax upon the clergy which they had not in any way consented to grant. Again, in 1252, Robert Grosseteste, Bishop of Lincoln, and friend and adviser of Simon de Montfort, led the opposition to the king's attempt to take a tenth of the revenues of the clergy on the pretext of a crusade. But most momentous of all was it, when in 1297, Archibshop Winchelsea, armed with the bull *Clericis laicos* of Boniface VIII, obtained the confirmation of the charters by Edward I whereby taxation was put under the control of Parliament. "That the constitution of England," says an historian of the Oxford school, "was eventually under Edward I formed on the basis of a monarchy limited by law and guided by Parliament, by which was secured to each individual the enjoyment of public and private right guaranteed by the law and defended by Parliament, was due in no slight measure to the constant influence of Church opinion on the side of liberty, to the educating effect of Church principles, to the example of

Church polity and to the self-denying patriotic labors of men like Stephen Langton, Edmund Rich and Winchelsea, the leading minds among the clergy." [1]

Such then were the early circumstances and conditions under which the principle that the State has moral obligations, originated and developed. Such also were the traditions built up in support of it. The principle, as we have seen, reappears clearly in the speeches of Washington and was definitely extended to the whole question of international relations by Wilson. Yet the immense import of these last two events can never be properly appreciated unless we realize that from the establishment of Parliament in 1295 to the Declaration of Independence in 1776, there was—in so far as the principles were concerned whereon the governments of Europe rested their authority—a real gap in the sound development of normal political thought.

When, thanks to the firmness of Archbishop Winchelsea and the influence of Boniface VIII, medieval traditions, as regards the State, were at last crystallized by the permanent institution of Parliament, it was none too soon; for it was in the previous year, as we have already seen, that Boniface had been obliged to rise up in their defence against Philip the Fair of France. In the bitter struggle between these two, Philip represented the force of absolutism without restraint, while Boniface stood for the old medieval ideas of autonomy under the safeguarding supremacy of law. When, consequently, Philip won, as a result of "the sacrilege of Anagni," the normal progress of medieval society was brought to a close. Henceforth the false Gallican

[1] H. O. Wakeman, *loc. cit.*, p. 308.

theories of the divine right of kings, which appear boldly for the first time in the declarations of the Etats Généraux of 1302, begin to cut across every liberal tendency and every generous influence at work during the period we have just reviewed. It only required the doctrines of Luther and Machiavelli to put absolutism in full possession and to subject Europe to the weight of the autocratic power of the kings and rulers of the sixteenth, seventeenth and eighteenth centuries.

Happily, before these events took place, St. Thomas Aquinas (1225-1274) had furnished a deeply reasoned and systematic justification of what was true and good in the old order of things. He, perhaps more than anyone else, by the sound development of ideas far ahead of his own times, paved the way for the full and legitimate reëstablishment of the fundamental medieval principles upon which the American states are founded. For Suarez and the other Scholastic philosophers and theologians of the seventeenth century did but follow in his footsteps; and to them we owe the only solid theoretical foundation possible for international law.

Catholic World,
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II

The Origins of Absolutism

SUCCESS has had its superstitious worshippers in every age. But never perhaps, even in the ages of paganism, were the votaries of success so whole-hearted or so numerous as in the days before the War. Material success and efficiency, the means to its attainment, were the norm and test by which the whole of life was to be judged if one wished to be considered abreast of the times, and things were deemed right or wrong as they contributed or failed to contribute to material progress. Like the "abomination of the Ammonites," success demanded its human sacrifices. Not little children, to be sure, except the unborn, for Charles Dickens in his novels and Mrs. Browning in *The Cry of the Children* had already shamed the world into some measure of humanity towards them. But sacrifices of human morality and of truth were both asked and given.

As the various religious denominations born of the "success" of the Reformation, lost their hold upon the masses, the disjointed and separate truths of Christianity, which they had retained, became overcrusted with human conceits or forgotten for lack of proper grounding and the ill-effects of what was original with the Reformers became more and more apparent. Robert Louis Stevenson, in a moment of deep insight, put his finger upon the actual sore spot in our civilization when he asked: "Can it be that the Puritan school by divorcing a man from nature, by thinning out his instincts and setting a stamp of its disapproval on whole fields of human activity and interest, leads at last directly

to material greed?" [1] The answer is more evident to us today than it could possibly have been to him. For, in his day, the attempts made to justify this state of things, had been fewer and more limited in their sphere of influence. Benthamism and Positivism were in vogue, but no philosophical Pragmatism as yet; and the professors of universities and public schools in English-speaking countries still held, with rare exceptions, to the old standards of common sense. What deep-seated bias there was, was chiefly religious. The Middle Ages were dark; the Church of Rome was corrupt; the Reformation was an event ever memorable for the religious and intellectual freedom it produced. These things were believed because they were generally said and imagined as true. They were the "idols of the market;" while "the idols of the theatre," as Bacon calls that class of idols "superinduced by false theories or philosophies and the perverted laws of demonstration," lent strength and intensity to the modern worship of success.

For Pragmatism, like an evil genius, was in the thoughts of men long before the time of William James. Its beginnings date from Machiavelli and from the day when Calvin threw over the "Pope's laws" and explained away the Scriptural prohibitions against usurious practices.[2] Thereafter "no room was left for authoritative insistence on moral, as distinguished from legal obligation;" [3] and the lure of gain having once been introduced as a dominant factor in life, the necessity to square one's conscience while driving a hard bargain, soon produced widespread results affecting the

[1] *Amateur Emigrant.*
[2] William Cunningham, *Growth of English Industry and Commerce,* vol. ii., pp. 155-157.
[3] *Ibid.,* p. 206.

standards of social morality.[1] In the confusion thus introduced into moral ideals, respectability, the product of money and material success, began to usurp the claim to esteem which belongs of right to human virtue. Truth suffered no less, and the notion that that is true which works, was already an accepted axiom when William James took it as the basic principle for his new philosophy.

In no line of intellectual endeavor, however, has the truth suffered more lamentably, or fundamental human morality been more sadly suppressed by this modern bias in favor of material success, than in history. "To predict the future," said Carlyle, "to manage the present, would not be so impossible had not the past been so sacrilegiously mishandled; effaced, and what is worse defaced! The past cannot be seen; the past looked at through the medium of 'philosophical history' in these times, cannot even be *not* seen: it is misseen; affirmed to have existed—and to have been a godless impossibility." The reason for this is simple enough. Our own civilization, supposed to be the acme of success, was made the standard by which all previous ages were to be judged. Hence, "how shall the poor 'philosophical historian' to whom his own century is all godless, see any God in other centuries?"

That any event contributive to present civilization, could have been a regrettable mistake; that the defeat of a cause which would have modified, checked or prevented such an event, could have been a real disaster, was inconceivable. "God's absolute laws sanctioned by an eternal Heaven and an eternal Hell, have become moral philosophies sanctioned

[1] William Cunningham, *Christianity and Politics*, p. 87.

by able computations of profit and loss, by weak considerations of pleasures of virtue and the moral sublime." Might when successful, was shown to have constituted right; and unscrupulous cunning, if it but attained its aims, was interpreted as justice. But "this universe *has* its laws," and the moral law can no more be violated than the law of gravitation without woeful consequences. What is true within each generation holds equally between successive generations; for "the centuries too are lineal children of one another," and the crimes of one age are visited upon the next.

With the War there came something of a perception of all this. Theodore Marburg thus voiced a now growing opinion in his pamphlet *World Court and League of Peace:* "It is a mistake to interpret progress in terms of numbers—growth of population or pounds of steel or yards of cloth turned out. True progress lies in the direction of growth of justice: justice between man and man; justice of employer to employee, justice written in the law, justice displayed in the honesty and ability of the courts, justice of the State toward its citizens, and justice of nation to nation." [1]

In the preceding chapter we endeavored to show that this idea of justice was fundamental to our civilization; that without it our civilization could not have grown at all, and that until the end of the thirteenth century, everything was propitious for the gradual extension of the principle of justice to international relations, the moment such relations came into existence through the full development of the European States. Now the problem presents itself: how

[1] Judicial Settlement of International Disputes No. 20, February, 1915; Baltimore.

comes it that such an extension was never effected? As Alfred H. Fried said in June, 1915, "The World War is the logical result of that peace which we possessed. Its ultimate causes do not lie in the motives and the deeds of individual governments and diplomats, but in that condition of international lawlessness which influenced these motives and deeds and which at a given moment had reached such a pitch, that an explosion and final outbreak was inevitable." [1] How comes it that such a state of international lawlessness endured in the face of the evident progress the world had made during the previous centuries?

If we revert to the year 1296 we shall find a state of affairs in Europe that gives us the key to what with the War "brought death into the world and all our woe." For Philip the Fair's treatment of Boniface VIII was the initial crime of international politics. To understand the situation, however, we must remember that the principle laid down by Suarez for Christian, *i.e.*, Catholic princes, in the seventeenth century, was, in theory at least, fully acknowledged in the thirteenth. "As for Christian princes," he says, "it is to be noted that though the Sovereign Pontiff has no direct power in temporal matters, outside his own dominions, yet he has an indirect power. By reason of this latter he has the right to take cognizance of any grievance that may lead to war, plus the power to decide in the matter; and, unless he be guilty of manifest injustice, the contending parties are under obligation to submit to his decision; for this is clearly required for the spiritual good of the Church and

[1] *The Fundamental Causes of the World War,* No. 91, American Association for International Conciliation, New York.

in order that an almost infinite number of evils be avoided. Hence it follows that among Christian princes war can rarely be just, since it is possible for them easily to have recourse to a more satisfactory means of terminating their mutual grievances." [1]

Now Philip had been over-reaching his neighbors generally when Boniface issued the bull *Ineffabilis* in which he took his stand on the above principle in these words: "And now reflect, beloved son, that several kings are your enemies and the enemies of your kingdom. Does not the King of the Romans complain that he sees a number of towns and districts belonging to the empire in your possession, especially the country of Burgundy? The King of England is also murmuring against you on account of certain sections of Gascony. These kings will glady submit their cause to an arbitral decision, they are even insistent in their demand for such a decision. Can the Holy See refuse it to them? If we are to believe their statements, you have sinned against them; therefore it belongs to the Holy See to give a decision." But this was little to the liking of Philip the Fair. For, if Louis XIV claimed successfully to be absolute, Philip lived up to the formula which he constantly used: "Through the plenitude of our royal power." Dante, his contemporary, called him "France's pest," "the modern Pilate" and "a debaser of coinage." This last was a crime, particularly odious in the Middle Ages,[2] and Boniface, on one occasion at least, reproved Philip for it.[3]

A "dynasty," as Herman Fernau says, "requires a phil-

[1] *De Fide, Spe et Charitate*, Disp. 13; *De Bello*, sect. 2.
[2] William Cunningham, *Growth of English Industry and Commerce*, vol. i., p. 359.
[3] *Ausculta Fili.*

osophical and scientific justification of its rule," [1] and Philip showing himself keener and more cunning than the Hohenstaufen, in that he saw this more clearly and provided himself more effectively with means for exalting his own power at the expense of the Church and the normal trend of medieval political opinion. The most ready means for the attainment of this end was the Roman law. A more or less systematic study of this law had survived in Western Europe. The political theory of the medieval civilians was directly founded upon that of the law books of Justinian, and no doubt they were greatly influenced by the positions laid down by the great jurisconsults of the second and third centuries, or the editors of the sixth, "but the world had greatly changed, and medieval civilians, even when they were most anxious to restate ancient law, were duly influenced by these changes. They did much more than merely repeat the phrases of the ancient law, they endeavored to explain what was difficult, to coördinate what seemed to be divergent or contradictory, and to show how these ancient principles or rules could be brought into relation with the existing conditions of society." [2] Thus, as Montesquieu relates, Defontaines, a civil lawyer in the time of St. Louis, "made great use of these Roman laws: his work is, in a manner, the outcome of ancient French jurisprudence, of the laws of St. Louis and of Roman law; whereas Beaumanoir made scarcely any use of Roman law, but brought ancient French jurisprudence into agreement with the regulations of St. Louis." [3]

[1] *The Coming Democracy*, p. 159.
[2] A. J. Carlyle, *A History of Medieval Political Theory*, vol. ii., pp. 7, 8.
[3] *L'Esprit des Lois*, 1, 28, ch. 38.

Grave reasons demanded this work of elimination and adaptation. For, as previously shown, the ruler, according to medieval Christian jurisprudence, was merely the director or administrator of justice. According to Roman law, on the contrary, he was clothed with unlimited power and supreme sovereignty. The principle: *Quod principi placuit, legis habet vigorem,* made him the highest source of law, and gave him power to alter the law by arbitrary decree both in general and particular cases. "Legitimate right," which according to the medieval standpoint could not be violated by the ruler any more than by the subject, was not recognized by the Roman Code. It did not take into account the safeguards of traditional privileges established by the medieval system.[1] Consequently, in countries where the Justinian Code was adopted, national liberty was sacrificed to absolutism, while England, Sweden, Norway and the other lands that did not accept it unreservedly, retained their traditional customs. England, in particular, managed to preserve her free and independent constitution, together with the common law. Foreseeing much of this, Pope Alexander III, in 1180, forbade monks from studying the Justinian Code; in 1219, Pope Honorius III extended this prohibition to all priests and in the following year forbade laymen, under pain of excommunication, to give or listen to lectures on the Justinian Code at the University of Paris; for the same reason Pope Innocent IV, in 1254, extended this last prohibition to France, England, Scotland, Spain and Hungary.

But Philip the Fair was of a different mind. To wrest

[1] J. Janssen, *History of the German People,* vol. ii., p. 163, English Translation.

to his own advantage whatever could be gained of unlimited authority from the introduction of the Roman law in its original and unmodified form, he surrounded himself with civil lawyers of the type of Pierre Flote and Guillaume de Nogaret, and with their help proceeded to entrench himself in royal absolutism and to set up his tyrannical power. These lawyers were called the *Milites regis*, and their appearance in the government of France is one of the leading events of Philip's reign. As Renan said: "An entirely new class of politicians, owing their fortune entirely to their own merit and personal efforts, unreservedly devoted to the King who made them, and rivals of the Church whose place they hoped to fill in many matters, thus appeared in the history of France and were destined to work a profound change in the conduct of public affairs."

In Philip's quarrel with Boniface VIII, Pierre Flote and Nogaret played, between them, pretty much the part which Bismarck assigned himself in later days, of educating public opinion in favor of the throne by arousing it against those whom it was expedient for the nation to consider as its enemies. Pierre Flote provided the "Ems telegram" by forging the bull *Deum time* and substituting it for the *Ausculta Fili* which Boniface had really sent. He had already denounced the Pope violently before the national assembly (1301) and falsely charged him with aiming at temporal sovereignty in France; and, as Philip feared the fate of the Hohenstaufen should Boniface pronounce the sentence of excommunication against him, Nogaret took it into his hands to prevent this.

The Colonna, condemned by Boniface for highway rob-

bery, had appealed to a general council and accused the Pope of being a usurper. Nogaret, an expert in canon as well as in civil law, saw the futility of such an accusation in the face of the official recognition Boniface had enjoyed for over five years. But as he must be put out of the way if Philip was to save his throne and continue in his determined course, the astute lawyer bethought him of an undeveloped point in canon law, by which a Pope guilty of private heresy became justiciable to the Church. Philip thereupon began immediately to pose as champion of the Faith. An enumeration of invented heresies and crimes calumniously imputed to Boniface, was drawn up, in twenty-nine articles, and read before the assembled clergy and barons. Instead of convoking the Third Estate; and in order the more easily to prevent any possible resistance, agents were dispatched to the various towns and ecclesiastical bodies with the injunction that all agree to the summoning of a general council.[1]

Meanwhile Nogaret had not been idle. Having set all this on foot it was essential to his plans that he should get possession of the person of Boniface. He had already left for Italy with this in view; but when victory came, absolutism was branded with sacrilege. For as Dante sang:

> To hide with direr guilt
> Past ill and future, lo! the flower-de-luce
> Enters Alagna; in His Vicar, Christ
> Himself a captive, and His mockery
> Acted again. Lo! to His holy lip
> The vinegar and gall once more applied;

[1] Arquilliere, *L'Appel au Concile sous Philippe Le Bel; Revue Des Questions Historiques*, 1911; also *Catholic Encyclopedia: Boniface VIII.*

And He 'twixt living robbers doom'd to bleed.
Lo! the new Pilate, of whose cruelty
Such violence cannot fill the measure up,
With no decree to sanction, pushes on
Into the temple his yet eager sails
O Sovran Master! when shall I rejoice
To see the vengeance which Thy wrath, well pleased,
In secret silence broods!

But this was not all. The new order of things had to have its Treitschke and its Hegel, and it found both respectively in Pierre Dubois and William of Occam. Without some reference to the curious writings of Dubois, Philip's policy cannot be fully understood. An idea of the leading thoughts in his most important works may be gathered from the following words of a Cambridge historian: "Pierre Dubois' little pamphlet *De Recuperatione Terrae Sanctae* is a mine of reforming ideas. Disendowment of the Church and of monasteries, *absolute authority* for the secular State, woman's enfranchisement, mixed education, are all advanced *with the one object of increasing the power of the French King*, who is to be made Emperor and ruler at Constantinople. International arbitration was to decrease the horrors of war, and educated women were to be sent to the Holy Land in order to marry and convert both the Saracens and the priests of the Orthodox Church and also to become trained nurses and teachers. Studies are to be modernized, the law simplified. For the influence of the old theological and Papal universities, the writer had no respect. The whole spirit of the book is secular and modern." [1] (Italics

[1] John Neville Figgis, *From Gerson to Grotius*, p. 27.

ours.) This work appeared shortly after the death of Boniface: a fact which lends decided irony to its treatment of the question of international arbitration.

For perhaps the principal aim of Boniface's reign had been to maintain peace among the Christian princes of Europe. For this, almost as much as for the sake of the Church's clear rights, he had insisted that purely Church property—as distinguished from property held by the clergy in feudal tenure—should not be taxed by them for the purpose of waging war on one another; and if his many attempts at arbitration ultimately failed, it was due to Philip's bad will and to nothing else. History bears witness that from this period on, wars did increase both in magnitude and duration, as well as in disastrous results. As regards Dubois himself, although all his writings were presented to the King, he never seems to have had an official place in Philip's council. Yet there is manifestly more than mere coincidence in the *nexus* between many of his suggestions and the manner in which Philip displayed his vaulting ambition on many occasions.

A far more important place, however, in the disruptive work engineered by Philip the Fair, must be assigned the English Franciscan, William of Occam, described by some as the first Protestant. At the time of Philip's attack on Boniface, he composed a dialogue in which the soldier who represents the King's cause, has the upper hand in an argument with a cleric who takes up the Pope's defence.[1] But his final career as a refractory and contentious friar, reached its climax in the conflict between Louis of Bavaria and Pope

[1] Abbé P. Feret, *La Faculté de Théologie de Paris*, vol. iii., p. 343.

John XXII. The terms on which he offered his services to Louis explain the character of many of his writings. "Defend me," said he, "with your sword and I will defend you with my pen." Thereupon he became Louis' theologian and was associated with Marsiglio of Padua: a doctor of medicine and sort of medieval Fichte, who had likewise taken sides with the Cæsero-papists.

Both maintained the absolute and unlimited power of the State and its complete superiority over the Church. Moreover, both held that all authority comes from below, and for this both have been hailed by modern admirers as forerunners of Rousseau. But what these short-sighted admirers always fail to notice is that, as with Rousseau, so with these medieval liberals, their theories make no allowance for any such thing as justice, or for any truly legitimate binding moral force in law. Nor should it be forgotten that compared with Rousseau's German influence, his influence on development in France seems almost negligible.[1]

Occam took his stand on nominalism. He did not refute earlier Scholasticism, but was merely "original" in that he took up the defence of doctrines clearly shown by earlier Scholastics to be untenable. His works contain the first traces of almost every important error since his time, from those of Luther, Bacon and Hobbes [2] on through Kant and Hegel down to the present modernists. But his importance for us lies in the fact that in confusing men's minds with regard to true principles of justice, he helped to remove the fundamental check on the power of rulers, and so paved

[1] Irving Babbitt, *The Political Influence of Rousseau. The Nation,* January 18, 1917.
[2] Abbé Feret, *loc. cit.,* pp. 340, 341.

the way for the later absolutism of European princes. Despotism, or arbitrary rule, is due to absence of reason in the use of power and the domination of will; hence the mischievous bearing of the *Quod principi placuit, legis habet vigorem* principle in Roman law.

Medieval lawyers corrected this by maintaining that the king was responsible to God and under the law; and St. Thomas eliminated every subterfuge for tyranny by insisting on the element of reason. Law as he defined it, is "a rule dictated by reason and promulgated for the common good by him who has care of the community."

According to this definition, as is evident, the legitimate independence of the subject is fully safeguarded, since in submitting to reason he abdicates none of his dignity as a free man, as he would did he bend beneath the mere will of a fellow-creature or the "general will" of society. On the contrary, his dignity is enhanced; for such submission means conformity to eternal order and to the divine will. The justice or injustice of a law therefore, according to St. Thomas, is determined by its conformity or non-conformity with the natural law, which can be nothing else but the eternal reason of God the Creator and Ruler of all the world, since it is identical with the eternal law implanted in rational creatures and inclining them, by the light of natural reason to their right action and end.[1] But Occam not only denied that God's existence could be proved from reason, which was tantamount to a denial of all religion, but he represented God's omnipotence as an arbitrary power acting without law or reason, and thus destroyed every fun-

[1] *Summa*, I., II., q. 90 a. 4; q. 91 a. 2.

damental notion of justice, law and moral obligation. As Sir James Mackintosh, with true Scotch perspicacity, well noted, "the doctrine of Occam, which by necessary implication refuses moral attributes to the Deity, and contradicts the existence of a moral government, is practically equivalent to atheism." [1]

The influence of Occam and of Marsiglio of Padua was very great during the period that intervened between the transference of the Papacy to Avignon and the Reformation. From their writings most of the false theories were gleaned, regarding the nature and constitution of the Church, that caused such a vast amount of confusion while the Great Schism of the West lasted, and even after it had been healed. But, once the Reformation had started, things took on a "newer" face. However slight the intrinsic merit of such writings, as handy weapons against the Papacy and the Church they were not likely to be neglected by the Reformers who, as facts proved, were greatly indebted to them. Besides this, practically all that Luther knew about Scholastic philosophy or theology he got from Gabriel Biel [2] who, though loyal to the Church and a defender of the Papacy, was in his philosophy and in much of his theology a follower of Occam and the author of a work in defence of Occam's doctrines. Thus Luther's ignorance of St. Thomas and of the greater Scholastics of the thirteenth century was all but complete, and when he declared, as he did, "I am of Occam's party," the significance of the statement was deeper than he himself intended.

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[1] *Progress of Ethical Philosophy*, p. 40.
[2] Hartmann Grisar, *Luther*, vol. i., p. 9.

In the first place, "it should not be forgotten that Luther was a nominalist." [1] Then, too, his idea of God as an arbitrary being, is the same as Occam's.[2] He severed religion from reason and damned reason in terms that do not bear repetition. He held that all law was opposed to the Gospel, and taught that we are not to let the moral law intrude on our conscience; that the maintenance of the moral law should be left to the jurisdiction of the State,[3] and "that whoever is under the secular rule is still far from the kingdom of heaven for the place where all this belongs to is hell. . . . Therefore no one who is under the secular government can boast that he is acting rightly before God; in His sight it is still all wrong." He drew a distinction between the prince as ruler, and the prince as a Christian and declared: "His princely authority has nothing to do with his Christianity." And yet as Gierke says: "It was the Reformation that brought about the energetic revival of the theocratic ideal. In spite of all their differences, Luther, Melanchthon, Zwingli and Calvin agree in emphasizing the Christian call, and consequently the divine right of the secular authority. Indeed, on the one hand by subordinating the Church more or less (*sic*) to the State, and on the other by making the State's authority dependent on its fulfilling its religious duties, they give the Pauline dictum, 'all authority comes from God,' a far wider scope than it had ever had before." [4] Thus in so far as the great Reformer was not already predisposed in favor of absolutism by a spirit of time-serving,

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[1] Sir James Mackintosh, *loc. cit.*, p. 46.
[2] Grisar, *loc. cit.*, vol. i., p. 125.
[3] Moehler, *Symbolism*, ch. 3, sect. 25; also Suarez, *De Legibus*, Lib. iii., ch. 5, sect. 2.
[4] Quoted by Grisar, vol. iii., p. 496.

which frequently made him play into the hands of the princes, his views on law and on the State were the logical outcome of Occam's doctrines and were in support of the most utter autocratic power.[1]

With all this then in mind we can easily gather what lies behind the words of John Neville Figgis who, besides being a Cambridge scholar, is surely non-partisan in this matter, for he has gone out of his way at times to misrepresent Catholic views and Catholic history. "Richelieu," he says, "no less than Cecil or Parker, was the product of the Reformation. Had there been no Luther, there could never have been a Louis XIV. In fact the religion of the State superseded the religion of the Church. Its first form was the Divine Right of Kings. Luther and Machiavelli were two of the most important factors in the change. But its results lasted longer. The unified democracy of Rousseau's scheme and the realization of 'the Idea' in Hegel's State-system both owe something of their nature to this movement. Both start from the assumption that the State is man's chief good upon earth, that its authority is to be all-pervading and irresistible, that its rights are inalienable and that no individual rights, not even those of religion, can stand against it. Luther's conception of the State and of duty to one's neighbor directly paved the way for that of Hegel."[2]

Luther and Machiavelli! These, then, were the two responsible for the elimination of reason and justice from all ideas of law which left Europe to the tyrannous mercy of

[1] Grisar, *loc. cit.*, vol. iii., ch. 29, sects. 1-6; ch. 35, sects. 1, 2—vol. v. in English translations.
[2] *From Gerson to Grotius*, p. 71.

bare "Reasons of State." Luther's principles for the internal, Machiavelli's practice for the external direction of the State were to be the ideal for many generations.[1] As a result of their paramount influence, the entire conception of natural law vanishes. The logical outcome was the teaching of Hobbes: that the will of the ruler is the supreme arbiter of right and wrong in the moral order and of true and false in the matter of religious belief. Its present-day effects are traceable even in the works of Woodrow Wilson who, in his book *The State*, makes force the ultimate source of authority and, influenced by Huxley's muddling of the question, fails to grasp the conception of natural law as the fundamental basis of political law.[2]

If Calvin is not to be included with Luther and Machiavelli it is not because he, any more than they, maintained truly sound, liberal principles of government. Theologically and politically he disbelieved in freedom, and his conclusion in favor of passive obedience is explicit. The real reason is given by Mr. Figgis. Luther, he says again, "was largely instrumental in destroying not merely the fact but even the principle of liberty as far as individuals were concerned, throughout Germany, while Calvin, whose motives were essentially those of iron authority and order, largely helped to produce those conditions which kept it alive both in practice or theory. The reason of this is that Calvin happened to influence permanently either a minority in a hostile State as in France or England or a nation struggling to be

[1] Figgis, *loc. cit.*, p. 89.
[2] Pp. 572, 606.

free like the Dutch. That his principles were in themselves in no way based on any ideal of individual liberty may be illustrated from the history of Geneva, New England, Scotland and the Synod of Dort and the Puritan Revolution. But just because as in the Netherlands and France, Calvinism was inextricably mingled with a struggle against tyranny and insurrection which required a theoretical basis, or as in England it became the *cachet* of a persecuted minority, the determination not to be suppressed which these bodies of men displayed, helped to keep alive the fire of liberty for other influences to fan into a flame." [1] Within the States in Germany, on the other hand, where after the Peace of Westphalia the principle *cuius regio eius religio* was fully enforced, there could be no such prospect for liberty either in theory or in practice. There the whole trend of thought and development continued to be more and more towards absolutism.

Thus "liberty of conscience," of which so much has been said and written was, as Mr. Figgis shows, merely a pretext. The first governments to prescind from religious differences were those of Catholic Maryland and Catholic Poland, and both were made to suffer for their generosity. The various Calvinistic minorities, spoken of above, in their "determination not to be suppressed," did not turn to any principles inherent in Protestantism. Oliver Cromwell and the English Puritans made appeal to *the ancient liberties of England;* while in France the favorite formula against tyranny was borrowed not from across the Channel but from Catho-

[1] *Loc. cit.*, p. 75.

lic Spain, where in the sixteenth century liberty was far more advanced than it was in England even in the time of George III.[1]

In the midst of these politico-religious struggles vague notions of the natural law began to reappear; gathered either from Cicero and the ancients [2] or, as in the case of Algernon Sidney, from the writings of Spanish Jesuits.[3] This was important, for belief in the natural law, however inadequate its conception, afforded at least a criterion for submitting the acts of statesmen to some rule, and provided something of a check against the practice of appealing to pure expediency in internal government or to mere force in external politics. Hence when Grotius made it the basis of his celebrated treatise *De Jure Belli et Pacis*, the work was received almost as a message from heaven by the whole of Europe, then being stirred by the horrors of the Thirty Years' War.

But Grotius failed to grasp some of the most necessary implications in the doctrines of the Scholastics; to whom he admits his great indebtedness for many of the fundamental ideas in this, the first great treatise on international law. Unintentionally, he provided modern Liberalism with its favorite stamping-ground; that is, he furnished the basis for the false conception of an order of nature from which God is wholly excluded. Hence, to the modern mind legal regulations are still, at best, but reasonable applications of general principles which make for the well-being of human life. We regard them as rules laid down by men yesterday or today but possibly to be changed tomorrow. There is no

[1] Figgis, *loc. cit.*, pp. 147, 162.
[2] Henry Hallam, *Literature of Europe*, vol. i., ch. 4, sect. 2.
[3] Figgis, *loc. cit.*, p. 176.

clear conception of their inherent right or of a real moral sanction behind them. And this explains, in very large measure, how, in the words of Elihu Root, "the War began by a denial on the part of a very great power that treaties are obligatory when it is no longer for the interest of either of the parties to observe them." [1]

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INTERNATIONAL LAW

III

Modern Thought and Scholastic Philosophy

"WHEN this War is ended, as it must be sometime, and the foreign offices and judicial tribunals and publicists of the world resume the peaceable discussion of international rights and duties, they will certainly have to consider not merely what there is left of certain specific rules, but also the fundamental basis of obligation upon which all rules depend." [2] These words of Hon. Elihu Root point clearly to the gravest and most important problem, which, now that peace is established urgently demands settlement. It should mean nothing less than laying the corner-stone of a new civilization.

But how is this problem to be solved? Whither will the leading minds of the world turn in their search for guiding principles? Not to the immediate past, certainly, for the ethical hollowness of the nineteenth century has been one of

[1] *The Outlook for International Law;* Proceedings of the Second Pan-American Scientific Congress, Section VI. *International Law,* vol. vii., p. 122.
[2] *Proceedings of the Second Pan-American Scientific Congress,* Section vi., International Law, vol. vii.: "The Outlook for International Law," p. 123.

the most surprising revelations of the War. That civilization, once our boast, was suddenly discovered to have been merely drifting.[1] *Vorwärts! Vorwärts!* had been the watchword. But wonderingly content to "let the great world spin for ever down the ringing grooves of change," no popular oracle had deemed it worth the while to ask himself whither it might all be tending. Now, that we have been brought face to face with what Ralph Adams Cram most aptly termed "modernism in arms," our best and most conscientious thinkers are forced to sound depths hitherto unheeded in the hope of finding some sure anchorage for the future.

Robert Browning, one of the most keenly critical and judicious observers of the nineteenth century, gave a concrete presentation of the main political fallacies of his time, in *Prince Hohenstiel-Schwangau, Saviour of Society.* It stands out as one of the most remarkable of his many dramatic monologues, and with the added interest of recent developments will repay the careful study of any who may care to take it up. We would call particular attention to the passage where the poet puts his finger on the great ethical error that has so vitiated political thought and political action ever since the time of Luther and Machiavelli:

> Now, this had proved the dry-rot of the race
> . . . that i' the old day when was need
> They fought for their own liberty and life,
> Well did they fight, none better, whence such love
> Of fighting somehow still for fighting's sake
> Against no matter whose the liberty
> And life, so long as self-conceit should crow

[1] *Our Drifting Civilization,* by L. P. Jacks. *The Atlantic Monthly,* March, 1917.

And clap the wing, *while justice sheathed her claw.*
. . . So the dry-rot had been nursed into
Blood, bones and marrow, that, from worst to best
All—clearest brains and soundest hearts . . .
All had this lie acceptable for law
Plain as the sun at noonday—"War is best
Peace is worst; peace we only tolerate
As needful preparation for new war:
War may be for whatever end we will—
Peace only as the proper help thereto.
Such is the law of right and wrong for us
. . . *for the other world*
As naturally, quite another law."

The fruit of Luther's rebellion had been the separation of religion and theology, faith and reason, Christianity and art, morality and politics [1] with the consequence that, as one German thinker expressed it: "We have grasped the secret of power and without scruple treat questions of power as such. In our world of thought a very considerable region has imperceptibly been occupied by this new view of things and withdrawn from the control of Christian ethics." [2] Such views shock us now that our consciences have been stirred by the horrors of the War. Yet despite President Wilson's assertion that they were regarded as "rather the dream of minds detached from practical affairs, as preposterous private conceptions of German destiny, than as the actual plans of responsible rulers," [3] the fact remains that our own universities as well as the universities of England and of France were fairly saturated with the philosophy that has

[1] Hartmann Grisar, *Luther*, vol. iii., p. 480.
[2] M. Rade, *Religion and Moral*, 1898, quoted in Mausbach: *Catholic Moral Teaching and Its Antagonists*, p. 81, English translation.
[3] *Flag-day Address.*

provided the pseudo-rational support for that *Kultur* against which the world was lately arrayed in self-defence.

In all this broad country there was scarcely a professor in any non-Catholic institution whose teaching, provided it have an ethical bearing, did not betray the ear-mark of Kant's dualism of pure and practical reason and its consequent separation of morality and politics. Browning might well say, "Be Kant crowned King o' the castle in the air!" or Carlyle justly describe Coleridge's Kantianism as "bottled moonshine." Such common-sense hints passed unheeded until the Kantian doctrine, "right and the power of coaction signify one and the same thing," ripened into practice and we began to taste the bitter foreign fruit our professors had sought to root in our own soil. As a natural result of this misplaced admiration, the world was not only unprepared to meet the German onslaught from a military point of view, but it is still intellectually unprepared to down by reason what it instinctively resisted by force of arms.

A cursory review of the principles advanced by some responsible public men, for the solution of the problem stated by Hon. Elihu Root at the opening of this chapter, will suffice in evidence. In 1915, David J. Hill said: "Whatever reasons there are for the authority of law between individuals of the same nation, those same reasons exist and have equal force for the authority of law between States." [1] The same idea was reiterated by President Wilson in his War Message, April 2, 1917, when he declared: "We are at the beginning of an age in which it will be insisted that the same

[1] *Proceedings of the Second Pan-American Scientific Congress, loc. cit.* "How can the People of the American Countries best be Impressed with the Duties and Responsibilities of the State in International Law?" p. 95.

standards of conduct and of responsibility for wrong done, shall be observed among nations and their governments that are observed among individual citizens of civilized States." And Lloyd George, addressing the British Unions January 5, 1918, strikes the same note in the statement, that "as law has succeeded violence in the settlement of individuals' disputes, so it is destined to settle national controversies." So thoroughly do these statements commend themselves now to the unsophisticated or disillusioned conscience as both sound and true, that it is hard to realize how their contrary could ever have been maintained. Yet they marked what promises to be a most radical departure from the international thought of the past four centuries. For one need only review the political history of the nineteenth century with its Metternichs, its Bismarcks and its Cavours, or take up any of the later theoretical works on sociology and government to discern the depth to which the Luthero-Kantian dualism had eaten its way into "modern" thought.[1] The confusion produced by this dualistic view of life, is evident the moment we ask ourselves what are those "reasons for the authority of law" or "the standards of conduct and responsibility" to which David J. Hill and Woodrow Wilson appeal. Without clear and universally accepted ideas on these very points, the predictions of Woodrow Wilson and of Lloyd George can never be more than false prophecies. Yet who would venture to assert that any such agreement or unity of thought exists throughout the "modern" world at present?

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[1] For an able discussion of this subject, see *Completing the Reformation*, by Edmund T. Shanahan, S.T.D., *The Catholic World*, July-December, 1914.

Modern thought has been atomic and centrifugal or else in instances when it has *set up* a center for itself, as in the case of the Socialists and of the majority of German political thinkers, it was discovered to have fixed on something that was far from corresponding with the real and safe center of rotation in a fully rounded human life, an assumption ever bound to result, under present anomalous and haphazard conditions, in an increase of the tendencies towards centrifugal individualism.[1] This has rendered all present discussion of future international problems especially difficult; and the defect of the efforts so far made to solve them are due to the necessity for compromise between what would be acceptable to "modern" opinion on the one hand, and what might be the dictates of disillusioned public conscience on the other. This much, however, may be said for results thus far attained, that the solutions offered are many of them true in themselves; yet, considered in their relation to the confused state of modern thought, they have almost invariably implied the removal of the difficulty to some remoter question still awaiting settlement. To mention only those instances most deserving of consideration: "A steadfast concert of peace can never be maintained," said President Wilson, "except by a partnership of democratic nations," and this, he added, "must be a league of honor, a partnership of opinion."

But what, we might ask, is to be the basis of such a partnership? Democracy, as Carlyle pointed out long ago, has

[1] As we stated previously "a civilization will be great and vigorously progressive in proportion to its power of assimilating or rejecting, through the force of underlying dynamic principles, fully in accord with human nature, all those heterogeneous elements that are brought into it from without or that have grown up in its midst." See pp. 23, 24 and also the chapter on *Human Nature and Civilization*, p. 7.

its own problem to solve which is itself conditional to the solution of the international question on the basis proposed by Woodrow Wilson; for the words of Carlyle still hold true: "How, in conjunction with inevitable democracy, indispensable sovereignty is to exist: certainly it is the hugest question ever heretofore propounded to mankind!" On the other hand, in the view of Hon. Elihu Root, "Many States have grown so great that there is no power capable of imposing punishment upon them except the power of the collective civilization outside of the offending States. Any exercise of that power must be based upon public opinion." With this view *Cosmos* [1] appeared to be in full agreement when he said: "As a matter of fact, the only practical sanction of international law is the public opinion of the civilzed world." Yet here again one cannot help but inquire: *Quis custodiet custodes?* What is to keep that opinion from error and give it unanimity? or, since durable peace "is a by-product of justice," what is to contribute to "the exaltation of the idea of justice, not only as between men within a nation, but as between nations themselves?" [2] Just here, we venture to think *Cosmos* or, as there is reason to believe, ex-President Taft, touched upon a more solid solution than any whose thoughts and suggestions have come under our notice. "The country's system of public education," said he, "must be taken in strong hand, purged of much of its *sentimentality* and *weak* and *futile philosophizing*, and made more and more a genuine preparation of American youth for intelligent and helpful participation in American

[1] *The Basis of a Durable Peace*, p. 102.
[2] *Ibid.*, p. 122.

life." [1] This judgment, strange to say, is corroborated, in substance, by a passage in De Quincey. Writing in 1846 before the appearance of the Junker and the Jingo, before Bismarck had falsified the Ems telegram and before Lincoln, who knew the people better than most, had admitted that all the people might be fooled some of the time, he said: "Neither in France nor England could a war now be undertaken without a warrant from the *popular* voice. This is a great step in advance; but the final step for its extinction will be taken by a new and Christian code of international law. This cannot be consummated until Christian philosophy shall have traversed the earth and reorganized the structure of society." [2]

Granted the truth of this statement, it remains for us to determine whether such a philosophy is possible, or whether such already exists, capable of reorganizing society and of providing a basis in reasoned ethical thought for the international law of the future. Thus far, one thing is certainly clear. We cannot find it among the mutually divergent, one-man, modern systems which have but this in common: that they owe their origin to false Luthero-Kantian assumptions and have all contributed to that modern chimera: modernism; which, however apparently antithetical, is in reality twin-brother to the "modernism in arms" against which the armies of the world were recently contending for the righteous cause of liberty.

For the modernist begins by adopting the Luthero-Kantian denial of the common-sense conviction that the mind

[1] *Ibid.*, p. 112, italics ours.
[2] *Christianity as an Organ of Political Movement.*

can attain to a certified knowledge of an order of things objective to ourselves. Hence, since the laws of logic hold for error no less than for truth, he "can do no other" than maintain the *autonomy* of the individual and the *autocracy* of the State. If the human mind is, as he would have it, deprived of the power of holding with certainty to any common and universally valid principles of agreement, reason ceases to be a real social force, and to maintain order among men there is nothing left, but that brute force, "with the will to power," should do its utmost to herd the world together into the one fold of imperial despotism. Writing of Kant and of the portentous influence of German philosophy, the German poet and Jew, Heinrich Heine, who died in 1856, uttered this striking prophecy of the World War: "The German revolution will not be any more gentle and cheerful for having been preceded by the critique of Kant, the transcendental idealism of Fichte or the naturalistic philosophy. These contain within themselves stored-up revolutionary forces which only await the fitting moment to break forth and fill the world with fear and wonder. Then will appear Kantists who, no less impatient at any mention of pity in the realm of facts than in that of ideas, and utterly void of all mercy, will turn up with axe and sword the very soil of our European life, that they may root out of it every remaining vestige of the traditions that bind us to the past." [1]

There is a philosophy, however, that contrasts with all this almost as sharply as does the light of day with the dark-

[1] *De L'Allemagne.* The whole passage, of which this is only a part and in which the return of Thor and the destruction of French Cathedrals is predicted, may be found in Abbé Van Loos' *Kantisme et Modernisme*, p. 209.

ness of night. It is not modern, to be sure, in the present acceptation of the term. Yet, though antedating the establishment of parliament and the beginnings of international law, it has so kept in touch with what was sound in more modern development, as to be still ahead of our own times in many of its principles, some of which bear directly on the international problem before us. Ever on the side of real democracy,[1] it incurred the suspicion of the despotic governments of the sixteenth, seventeenth and eighteenth centuries; yet, of all philosophical systems, it alone has contributed not only most, but almost exclusively, to the clear definition of the all-too-widely neglected requirements of international ethics. This is the philosophy of Scholasticism.

Empirical in that it starts from the actualities of life, Scholasticism is speculative only in so far as it reasons within the bounds of the universal nature and order of things *as they are;* or, as in the case of ethics, within the bounds of things as they *ought* to be according to the essential demands of man's God-given nature *as it is.* Unlike the "modern" student of ethics and of law, for whom moral and judicial aspects are merely the product of history, of national customs and of varying conditions of life, and who, therefore, subordinates the moral law to the influence of the times and to the demands of fashionable opinion, the Scholastics have

[1] More than twenty years before the "model Parliament" of Edward I., St. Thomas voiced this democratic teaching: "The ideal form of government is that wherein one is given power to preside over all, while under him are others having governing powers, and yet a government of this kind is shared by all, both because all are eligible to govern and because the rulers are chosen by all." (1a., 2ae. 105 a1.) And furthermore: "If a people among whom a custom is introduced be free and able to make their own laws, the consent of the whole people, expressed by a custom, counts for more in favor of a particular observance than does the authority of the sovereign, who has not the power to frame laws except as representing the people." (1a. 2ae., 97, a. 3. See also Suarez: *Defensio Fidei Catholicæ,* lib. iii., ch. 1-5.)

always insisted upon the inward necessity and sanctity of the "eternal principles of justice and of right" to which President Wilson alluded in his Prayer-day proclamation. On the other hand, like Burke's men of speculation, instead of exploding general prejudices, they employed their sagacity to discover the latent wisdom in them.[1]

This has enabled John Neville Figgis to say of the Scholastics of the sixteenth and seventeenth centuries: "The Jesuits (he has overlooked the Dominican Vittoria and others who were not Jesuits) laid the foundations of a new system partly because of their modernity and partly owing to their conservatism. They combined the new recognition of political facts with ideals of unity, the older conception of law as an eternal verity. . . . Without the one the conception of the States as Juristic and equal persons is impossible, equal not in power any more than are individuals, but in the fact of being able to direct themselves to conscious ends; without the other the notion of a unity of these persons and a bond binding them together, and certain limits of activity they may not overpass, would not have been possible, or would have taken longer to discern. The persistence of the notion of law natural, coupled with the actual facts of widespread and increasing prevalence of the Civil Law, its purest (?) outcome, and also the general reorganization of the Canon Law, formed the only possible atmosphere for that notion of legal obligation of contracts which . . . was the necessary condition and the true explanation of the popularity of the doctrine of the original contract, and is also at the very bottom of the whole system of Gro-

[1] *Reflections on the French Revolution.*

tius." [1] Mr. Figgis' testimony is interesting, in that he was able to apprehend so much in a system he did not fully understand, and is the more valuable as coming from one who was more inclined to look for flaws in the Scholastic system than to praise it.[2]

Since "international duties are," according to David J. Hill, "necessary corollaries of the true conception of the State," and since, in this, he is in perfect accord with Scholastic philosophy, the nature of the State as set forth in the teaching of the Scholastics is briefly this: it rests on the grounds of man's natural sociability, of his endowment by his Creator with various rights and of his moral and intellectual imperfections. Should any of these grounds be absent, the State would not be necessary. With the world and man, however, as they are, there must be such things as societies independent of each other and each having as its aim, not some particular good, but the temporal felicity of all its members.

But as temporal felicty can only be attained by making peace and order, wisdom and justice prevail, there must be within the State a supreme authority which when lawfully established has the right to the obedience of all the subject members, since it is based on the ordinance of God, the Author of nature, Whose law as made known to us by the light of natural reason, is called the *natural law.* This natural law of the Scholastics, be it further noted, should in no way be confused with the natural law of Rousseau and of others who hold with him; for that would be to confuse a

[1] *From Gerson to Grotius,* p. 190.
[2] He entirely misrepresents the question of Probabilism, and fails to grasp the real Scholastic conception of law. For the correct view on these points, see Mausbach, cited above.

portrait with its caricature.[1] And he who fails to grasp, at the start, the fully substantiated doctrine of the Scholastics, that the ultimate objective source and unchangeable rule of all morality and all law, is found in the eternal law of a personal God, cannot recognize the true law of nature, nor need he attempt to understand or to judge the ethical teachings of Scholastic philosophy.

The significance of the Scholastic concept of the natural law and their theory of the State is evident when we consider that, whereas during the War President Wilson said international law has "by *painful stage after stage* . . . been built up, with meagre enough results, indeed, after all was accomplished that could be accomplished, but always with a clear view, at least, of what the heart and conscience of mankind demanded," it was possible for the Scholastics to perceive, far ahead of their own time, that: "just as in any one city or province, law comes in through custom so through the customary moral usage of the whole human race, the laws of nations are introduced. And this was all the more possible since the precepts of this law are both few and easily deduced from the natural law; and so useful and in conformity to nature are they, that though *per se* they are not absolutely necessary to safeguard the moral law, yet they are very conformable to nature and in themselves acceptable to all men." [2]

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[1] The prevalence of this confusion is attested to in the following statement of Mr. Charlemagne Tower, former minister of the United States to Austria-Hungary: "The original theory of the law of nature has long ago disappeared before the analysis and searching (?) discussions of modern jurists and by the *well-seasoned practice* (italics ours) of modern times, but the great principles of national independence and State sovereignty still remain universally accepted, and the teachings of Grotius as to the principles of rights and duties have been definitely approved by general consent of the nations."—*Essays Political and Historical*, p. 94.

[2] Suarez, *De Legibus*, lib. ii., ch. xix, sect. 9.

With this passage in mind, Sir James Mackintosh says of Suarez: "He first saw that international law was composed not only of the simple principles of justice applied to the intercourse between States, but of those usages long observed in that intercourse by the European race, which have since been more exactly distinguished as the consuetudinary law acknowledged by the Christian nations of Europe and America. On this important point his views are more clear than those of his contemporary Alberico Gentili. It must even be owned that the succeeding intimation of the same general doctrine by Grotius is somewhat more dark." [1] And again Albert de Lapradelle in his introduction to Vattel's *Law of Nations* says: "It would be vain to look in his work for a reflection of the fine passage of Suarez on the solidarity of nations; but on the other hand it would be too much to require in a diplomat of the end of the eighteenth century, even though he were permeated with the spirit of the encyclopedia, the same freedom of speech as in a monk of the sixteenth." [2] To this should be added the testimony of Henry Hallam, which because of his narrow insular views and bias is the more to be credited when it points with praise to anything that may concern Scholastic teachings. "The fertility of those men," says he, "who, like Suarez, superior to most of the rest, were trained in the Scholastic discipline, to which I refer the methods of the canonists and casuists, is sometimes surprising; their views are not one-sided; they may not solve objections to our satisfaction but they seldom suppress them; they embrace a

[1] *Progress of Ethical Philosophy*, p. 51.
[2] *The Law of Nations*, by E. de Vattel. Translated by C. G. Fenwick. Published by the Carnegie Institution of Washington, p. liv.

vast compass of thought and learning; they write less for the moment, and are less under the influence of local and temporary prejudices than many who have lived in better ages of philosophy." [1]

Thus, we find in Scholasticism the one system of philosophy that has something of value to offer towards the solution of the present international problem. To Hon. Elihu Root's question regarding "the fundamental basis of obligation" it answers with Cardinal Bellarmine, that all "law is a rule of morals" binding in conscience, and that the obligation to observe the law, whether on the part of the individual or of the nation, is something eternal and immutable and consequent upon the eternal law of God; that first supreme law imparted to us in the natural law and the ultimate source of all our rights and duties.[2] How truly fundamental all this is to genuine human nature may be illustrated from these words of *Cosmos* written almost in the spirit of Suarez: "The individual human being whose acts are controlled by an overmastering sense of duty is not less a person, but more, than the individual human being whose acts are controlled by sheer selfishness. What is true of men in this regard is also true of nations. A nation, like an individual, will become greater as it cherishes a high ideal and does service and helpful acts to its neighbors whether great or small and as it coöperates with them in working toward a common end." [3] But the Scholastics add substance to such a statement by a clear reference to its real ethical basis. "For the proper understanding of this present question (of inter-

[1] *Literature of Europe*, vol. ii., ch. 4, sect. 1.
[2] *De Controversiis*, lib. iii., ch. 11.
[3] *Loc. cit.*, p. 120.

national law) it should be remembered that civil society is *per se* a product of the natural order of things. . . . It has moreover a real personality, in a moral sense, clearly, not in a physical one. It is evident also, on other grounds, that there exist not one only, but a great number of civil organizations each of which has its own proper vitality and functions, one not depending upon the rule of another. Such complete autonomy resides *per se* only in the ruling authority that governs each. Hence there exist many civil corporations, each independent of all others, which from the very requirements of the natural order sought to be considered as real personalities. It must, therefore, be shown now that this mutual independence by no means implies that these various civil societies are not related one to another by certain rights and natural duties, but that on the contrary they are bound to recognize and respect each other's just claims and their mutual obligations. . . . As man from his very nature is destined to live in civil society, in which and through which he must work out the perfection required of him, it follows that the love which the natural law bids us have for others, must be shown not only to men as individuals but also as members of the State to which they belong, with due regard for the perfection they have attained in their present civil brotherhood. Moreover, the obligations which men are bound to fulfill in this respect are duties of well-doing which we call international duties. Consequently such obligations must rightly be held to arise from the natural law." [1]

[1] Sanctus Schiffini, S.J.: *Disputationes Philosophiæ Moralis*, vol. ii., disp. 6; *De Jure Internationali*, sect. 1, pp. 586, 587 (1891).

Thus in their doctrines they will be found to be opposed to both the militarist and the pacifist.[1] To the one by their insistence that government exists for the good of the governed, not for the exaltation of any abstract idea of the State: to the other by their teaching that patriotism is a virtue, to sin against which is to sin in the sight of God,[2] and so Browning but speaks the speculative mind of every great Scholastic, whether medieval or modern, when he states the real ethical basis for the "God wills it!" of the true-hearted crusader of old:[3]

I foresee and I announce
Necessity of warfare in one case
For one cause: one way, I bid broach the blood
O' the world. For truth and right and only right
And truth—*right, truth, on the absolute scale of God,*
No pettiness of man's admeasurement—
In such case only, and for such one cause,
Fight your hearts out, whatever fate betide
Hands energetic to the uttermost!
Lie not! Endure no lie which needs your heart
And hand to push it out of mankind's path.

Catholic World,
June, 1918

[1] De Vittoria: *Relectiones Theologicæ*, vol. i., *De Jure Belli Hispanorum in Barbaros* (1557), p. 581.
[2] St. Thomas, *Summa*, 2æ., 2æ., q. 101 al.
[3] Sanctus Schiffini, *loc. cit.*, p. 630.

BROWNING AS A THINKER

AS a poet Robert Browning has been and still is very much of a puzzle. Even those who have come to apprehend something of a definite "message" in his poetry are as yet far from clear in their own minds as to the real scope and meaning of that message when taken as a whole. Why this should be so, undoubtedly never occurred to Browning himself, since the real reason is one that could scarcely be recognized by any but a Catholic. The fact is, however, that of all our greater English poets since Shakespeare, Browning is the least Protestant-minded and the only one, not exclusive of Scott, who has truly recaptured the medieval and normal point of view in his outlook upon life; and this alone explains why it is that whereas Tennyson, whose mind was Protestant to the core, has approved himself the poet of modern doubt, Browning, his contemporary, outstripped him in so far at least as he attuned his muse to healthy certainties for which our modern times have been as yet but ill-prepared.

Like Socrates, whom alone of all the thinkers in the past he most resembles in point of aims and achievement, Browning awoke upon a world in which he was forced to realize that the religion in which he had been reared was a thing outworn, with scarcely any sounder claims upon his reason than the opposing claims of an overweening but

popular body of irresponsible pseudo-scientific thinkers whose one and only point of agreement was that "man is the measure of all things." Like Socrates, he also set about discovering the truth for himself; and if his poetry be considered as the replica of his mind the manner of his doing this will be found on comparison to be strikingly similar to the method of thought adopted by the great confuter of sophists. While his contemporaries, like those same sophists, heedless of the truth so well expressed by Solomon, "the eyes of fools are at the ends of the earth," were busying their minds at the periphery of human knowledge in the attempt to compress the whole circle within the compass of hastily constructed theories and each wondering all the while why the others were forever flying off at tangents; and at the very time when scientists were beginning to indulge in the doubtful pastime of searching for the "missing link," Browning was rediscovering man by working his way back to the center and digging himself out from beneath the detritus of false notions concerning human nature that had drifted down from the Reformation and the days immediately preceding the French Revolution.

Just as Socrates in his day accepted the basal principle of the sophists, yet concluded that if "man is the measure of all things" the first obligation he should assume was to know himself; so Browning implies a recognition of the same obligation when in his autobiographical poem, *La Saisiaz*, he says, "Only for myself I speak, nowise dare to play the spokesman for my brothers." But neither Socrates nor Browning were mere individualists. The former, as is well known, held that knowledge consisted, not as the soph-

ists maintained, in sensations possessing no canons of validity outside of the individual, but in ideas universally true for all individuals; and insisted that it was within man's own moral nature that the true standard must be sought which should determine the real aims of life. And Browning in the spirit of the same convictions chose as he tells us "the artistic way" to express his mind,

> Because it is the glory and good of Art
> That Art remains the only way possible
> Of speaking truth. . . .
> Art—wherein man nowise speaks to men,
> Only to mankind—Art may tell a truth
> Obliquely, do the thing shall breed the thought,
> Not wrong the thought missing the mediate word.

It was in this manner he felt he could best bring others to a knowledge of themselves and at the same time present them with that larger ideal and universally possible self which in a materialistic age such as ours is far too easily forgotten.

Now the very first fruits of Browning's self-knowledge were that "soul and God stand sure," and these two facts he clung to on the full strength and that faculty of reason which fared so harshly at the hands of Luther, and of which, in its relation to faith, there have been, outside the Catholic Church, such sad misconceptions ever since the days of the Reformation. Secure, however, in this two-fold central conviction, Browning found himself prepared to face all further complexities of life with the sense that they were to be reverently and courageously accepted, and it is precisely

in this peculiar sense of reverence for life's complexities that he has so thoroughly succeeded in recapturing that Christian medieval point of view which has been all but lost to a Protestant world since the days when Luther and Calvin taught their followers to overlook any inconvenient point in a moral or religious question. Back in the Middle Ages it gave rise to scholastic distinctions, casuistry and romanticism and to such social institutions as the jury system and constitutional kingship, while in Browning it displays itself chiefly in what some, whose days have been spent too exclusively in the rarefied atmosphere of a modern culture never meant for human lungs, have been pleased to call his Gothic style. To give a thing a name, however, does not always explain its nature, and to stop at Browning's style is to miss his thought. If this latter is sometimes apparently obscure it is simply due to the fact that in the handling of his subjects he felt, as he himself makes Karshish say, that "'Tis well to keep back nothing of a case."

It is for this reason that to quote from Browning without reference to the significance of the part quoted in its relation to the scope and dramatic point of the poem from which the quotation is taken is apt to be about as absurd a proceeding as to make excerpts from St. Thomas without taking note as to whether it be from the objections he proposes or from his own positive argument and answers to the objections. Nay, more, no poet requires more urgently that his individual poems be read in the light of his works taken as a whole than does Browning. Each presents but a single aspect of what in his own mind he viewed objectively as one vast and varied whole. *Johannes Agricola in Meditation,*

for instance, might, at the first glint of meaning, be interpreter as an approval of Anti-nomianism, while "*Caliban upon Setebos*" has been taken for a satire on Christianity. It is only when one recalls how from first to last Browning has insisted upon God's love for man that it becomes perfectly clear that both poems were intended to exhibit the horrible doctrines of Calvinism. Catholics, again, may naturally feel inclined to take exception to what appears on first reading to be his attitude towards Catholic ecclesiastical subjects, and yet he almost invariably makes the distinction which it were well if non-Catholics generally would make a little oftener: he rarely if ever identified the weaknesses and failings of individuals with the teachings or spirit of the Church. Whatever errors he may have *thought* he could detect in her he was *sure*, as he shows in *Christmas Eve*, that he could see in her, as nowhere else, the love and the power of the Crucified One. His prejudices, as G. K. Chesterton well says, "belonged altogether to that healthy order which is characterized by a cheerful and satisfied ignorance." As his main interest was in dealing with human nature, it would appear that his real reason for the frequent choice of Catholic subjects was that the high and the low, the true and the false in human character could be brought out more strikingly in the case of men who could be represented as professing definite and in themselves elevating beliefs than in the case of those who might be held to entertain either hazy religious notions or none at all.

Where Browning, however, is at his best as a poetically imaginative reasoner is when he is dealing with the prepossessions of the scientific mind. Nothing could be finer than

the *Epistle of Karshish* and *Cleon* as a revelation of how professional pride and the assumption of intellectual superiority can blind the human reason to the plainest facts and cause it to reject its greatest opportunities for obtaining a saving knowledge of the truth that makes us free. Because of the central certainties firmly established in his mind he had no patience with the agnosticism of the day. To the last he retained his belief in certain definite truths of Christianity and in a Divine Revelation. But the only ground on which he held these was that they were found to answer the needs of our human nature; and just as Socrates identified knowledge with virtue, he, following Coleridge perhaps, would seem to have identified over-closely faith with reason. For Catholics at least the Christianity he championed will necessarily be found all too stunted. Yet as far as it goes it is healthy, and though he belonged to no sect and failed to find his way into the true Church of Christ, he did succeed in rediscovering much that was lost at the Reformation; and in summary we can say but in justice that

> His life was gentle and the elements
> So mixed in him that nature might stand up
> And say to all the world, This was a man.

America,
May 5, 1917

PROFESSIONAL BIAS AND THE MIDDLE AGES

"THIS poor Pope, who knows what good is in him? In a time otherwise too prone to forget, he keeps up the mournfulest ghastly memorial of the highest, blessedest, which once was, which, in new fit forms, will again partly have to be." Thus wrote Carlyle in a moment of dejection at the thought of a world that refused to go, along the line of "the no-God hypothesis." In his well-known book, *The Mind in the Making*, Dr. J. H. Robinson, formerly professor of history at Columbia, oracularly announced that "we have carried over far too much of medieval mysticism in our views of man and his duties toward himself and others." This use of the word "mysticism" is indeed imposing but not very intelligible, but then neither is his whole method of handling history. He gives one the impression of having merely hit upon the original process of imagining himself back in medieval times doing the things men did in those days without attempting to grasp the reason for which they did them. The result is he naturally feels uncanny. But instead of blaming his own ignorance for this he immediately concludes that people then must have been monsters with perverted intellects. "In our own day," he boasts, "some few have come to reject practically all the presuppositions on which the scholastic system was reared." What these presuppositions are he apparently could not say; but neither the fewness nor

the audacity of those who have attempted this feat can prove sufficient reason for others taking such a leap into the dark. In its context his statement reads very much as though fearful of the fate of the frog in the fable who strove to inflate himself to the size of the ox, he had turned to the philosophy of the fox, who dogmatically decreed that all grapes he could not reach *must* be sour; for we soon find him blaming the medieval schoolmen for turning aside from "the hard path of skepticism," skepticism which like the Critic in Browning,

> Leaves no air to poison;
> Pumps out with ruthless ingenuity
> Atom by atom, and leaves you—vacuity.

Inability to think one thing without feeling that he ought to be thinking its opposite is of course one of the least objectionable failings of the skeptic. But then it leads to confusion and this accounts for the conclusions that Professor Robinson would have us draw from his farther statement that "the great mass of Christian believers, whether Catholic or Protestant, still professedly or unconsciously adhere to the assumptions of the Middle Ages, at least in all matters in which religious or moral sanctions are concerned." That the Protestants retained some medieval doctrines but denied the grounds on which they were held would seem to be a matter of less than no concern to the professor of history, for he immediately proceeds to enumerate a few of these Protestant denials and incontinently condemns the Middle Ages for having held them. "Over the portal of

truth" he tells us graphically, "they erased the word 'Reason' and wrote 'Faith.' " The fact is Luther was the first to damn reason: "It was necessary only to believe to be saved." This is the ground floor of Protestantism. Still further, "To the medieval theologians man was by nature vile." Luther's doctrine maintaining this cheerful view was condemned at the council of Trent. "But the medieval notion of sin—a form heavy with mysticism (*sic*) and deserving of careful scrutiny by every thoughtful person—still confuses us." The Lutheran, Calvinistic, Jansenistic notion does surely, but Professor Robinson does not know what the Middle Ages held on the matter as is clear from his reference to the fourteenth book of St. Augustine's "City of God," where human feelings are justified against the Stoics, and the human body and marriage are defended against those forerunners of Luther in heretical vagaries, the Manicheans.

Thinkers in the Middle Ages were just as much struck as Professor Robinson "with the ease with which ancient misapprehensions are transmitted from generation to generation and the difficulty of launching a newer and clearer idea of anything." Witness St. Thomas, John of Salisbury, Gerbert of Aurillac, later Pope Sylvester II. But then they had too much regard for their own reason and too deep a trust in the radical soundness of human nature to rebel against the *fact* that "we all have a natural tendency to rely upon established belief and fixed institutions." Professor Robinson's repining over our inability to slough our Medieval Traditions reminds one forcibly of the character in Charles Lever's novel who, to extricate his friend from his creditors, drew up a

sham obituary notice starting with the announcement that he belonged to a long line of ancestors with whom it was hereditary to have no children. In the Middle Ages at least men trusted reason to the extent of admitting that there is no age, not even that of the pagans, which does not possess some legitimate claim to the respect of its descendants. It was Luther who first condemned Aristotle and all pagan thinkers to Hell. If in accepting revelation men in the Middle Ages submitted to the authority of God they were ever earnest in authenticating all articles of belief. That beyond this they took joy in legends was if anything less of an obstacle to healthy progress than is the modern psychological or highly medicated novel. Nor was the objectivity of the legend half so untrue to nature as much that now passes for literature. Nor were medieval science and philosophy grounded wholly in authority as Professor Robinson asserts. Luther was the first to make the Bible ultimate in this sense while at the same time he subjected it to the vagaries of "private judgment," i.e., individual will. To the medieval mind faith presupposed reason, grace presupposed nature and revelation presupposed that God be known to reason. All this Luther denied. If the medieval philosopher and scientist admitted revelation as a negative norm, it was because he recognized revelation to be a fact like any other fact in the universe. To deny it in order "to make a point" in philosophy could, he knew, only result in theory severed from reality, that is, in something very much like our modern philosophies. He knew the Church to be infallible but he also knew that neither he nor "some few" within her pale had any monopoly on either truth or wisdom. When Luther

out of the depths of his own subconscious *Ego*, began to dogmatize in the name of "I, Martin Luther," he was quickly severed from the midst of those who believe on none but God's authority. If at this late date Professor Robinson is so confused in his knowledge of history as to feel obliged to accept the fable of man's descent from "an extinct race of primates" it certainly is not because the Middle Ages believed too much but rather that, thanks to Luther, he himself lacks the requisite number of ideas properly derived from easily ascertainable facts even to know, much less judge, of what they believed. The ignorance, in other words, is his, not theirs.

This is still more clearly illustrated by his remarks on miracles, where we again find him crediting the Middle Ages with Protestant doctrine that God is an arbitrary being. He says:

> "Miracles were a common occurrence and might be attributed either to God or the devil; the direct intervention of good and evil spirits played a conspicuous part in the explanation of daily acts and motives. As a distinguished (save the mark) church historian has said, the God of the Middle Ages was a God of arbitrariness —the more arbitrary the more Godlike." (Parenthesis ours).

As former professor of history at Columbia, Professor Robinson might have taken the pains to investigate the matter for himself instead of relying on the *ipse dixit* of the distinguished historian whom he refrains from naming. The fact is that William of Occam in the fourteenth century was the first to maintain that God was an arbitrary being. Not

only was he excommunicated from the Church but he very probably died unreconciled. His doctrine on God as an arbitrary being reappears, however, with Luther and the reformers and remained a Protestant tenet down to the days of Cudworth, who in a posthumous work, classes with the ancient atheists, those theologians among his contemporaries who held "that God may command what is contrary to moral rules." Hence, when Professor Robinson asserts in commendation, that "not until the eighteenth century did any considerable number of thinkers revolt against this conception of the Deity and come to worship a God of orderliness who abode by his own laws," he for once asserts a real fact, but a fact that refutes his whole thesis against the Middle Ages. Not only was this revulsion in the eighteenth century a revulsion against an earlier form of Protestantism which was anything but medieval, but those who initiated the movement began by borrowing both their theodicy and their ethics from those same medieval scholastics whom Professor Robinson so lightly despises. Hooker led the way back to St. Thomas when he attempted to induce the Puritans of his day "with meekness to search out the truth." Grotius made constant use of the works of the scholastics and recommends them both in his "*De Jure Belli ac Pacis*" and in his little treatise on studies addressed to one Benjaminus Maurerius. Again, at the time when Hobbes was developing many of Occam's conclusions Selden, who was opposed to him on all points but his Erastianism, is reported in his "Table Talk" as saying:

> "Most men's learning is nothing but history dully taken up. If I quote Thomas Aquinas for some tenet,

and believe it because the schoolmen say so, that is but history. Few men make themselves masters of the things they write and speak."

That this was intended in criticism of the use to which Protestants in England were putting St. Thomas is clear not only from an abundance of extrinsic evidence but from what follows. "The Jesuits," adds Selden, "and the lawyers of France and the Low Countrymen have engrossed all learning. The rest of the world make nothing but homilies." Later when Hobbes' *Leviathan* first appeared there was a general scramble among Protestant theologians and writers in England to refute him and the haste with which Cumberland, Cudworth, Clarke and others gathered their more telling principles from the scholastics accounts in large measure for the way some of these principles became distorted, especially after the continental rationalists began to take them up.

Thus what was apparently intended by Professor Robinson as a veiled attack on the religion of Catholics turns out to be a veiled attack on Protestantism, only the veil is the veil of ignorance.

America,
Dec. 11, 1920

GOD, EVOLUTION AND NATURAL LAW

IN view of the Scopes trial and of the extraordinary antics for which it was made to furnish the occasion, there is an important aspect of the question there debated that deserves very serious consideration. The scientists were voluble in their protest that the attempt on the part of the State of Tennessee to prohibit the teaching of Evolution in the schools constituted an attack on Science itself. Mr. Bryan and his followers, on the other hand, defended the law on the ground that Evolution as advocated by the scientists constituted an attack upon Christianity. This would appear to have been really the main issue in the controversy, whatever may have been said, thought, or maintained with regard to the constitutionality of the law itself.

As regards the scientists, their contention may be dealt with in two ways: either by taking their explicit statements and analyzing them with respect to the facts alleged or otherwise available; or by looking to the assumptions which the scientists themselves, frequently unawares, tacitly make in a manner that is apt to be gratuitous and quite inconsistent with their main contentions as scientists.

It is their fundamental assumption which we wish to consider here, that is, their assumption with regard to the uniformity of the laws of nature, which the non-Catholic scientists almost invariably assume to be absolute. Much of their

concern about Evolution is due to the fact that this theory, if substantiated, would confirm their position. It also accounts for their easy acceptance of the support they feel they gain from the recognition of the monistic systems that ultimately prove to be of Oriental provenience.

Sir Frederick Pollock, in his *Life of Spinoza*, has, it seems to me, stated this assumption with considerable accuracy. Speaking of Spinoza's pantheistic concept of God, he says:

> Thus the "idea of the most perfect being" includes, if it is not equivalent to, the belief that the whole of nature is one and uniform. Now this is the very first principle of all Science. The uniformity of the course of nature is that to which all lesser uniformities converge, and by which they are all supported. If we do not call it a law of nature, it is because there could be no laws of nature and no science without it. And Spinoza will have no exceptions from it.

As Sir Frederick Pollock points out in a previous passage:

> There is no more of evolution in Spinoza than in Descartes; there is in one sense the general idea of evolution in both, namely, that the whole physical universe, animate as well as inanimate, is to be accounted for by physical causes. What the doctrine of Evolution has done is to put this idea into forms whereby it becomes capable of definite scientific treatment, and leads to definite results. The point is not to see that there is in nature a constant endeavor, or even competition, of individuals and kinds to preserve their existence, but to see that the competition is itself an orderly process, and that existing forms are worked out by it in ways which may be investigated and reduced to law.

I call this an assumption. It is true that the Catholic philosopher does not doubt that the laws of nature are truly uniform, but this is because of his having reasons other than scientific *which are equally objective;* whereas the scientist looks to his own mind for a necessity which is purely *subjective.*

Cardinal Newman, in a very remarkable passage in the *Grammar of Assent,* has analyzed this assumption with his usual fairness. He says:

> There are philosophers who go farther, and teach, not only a general, but an invariable, and inviolable, and necessary uniformity in the action of the laws of nature, holding that every thing is the result of some law or laws, and that exceptions are impossible; but I do not see on what ground of experience or reason they take up this position. Our experience rather is adverse to such a doctrine, for what concrete fact or phenomenon exactly repeats itself? Some abstract conception of it, more perfect than the recurrent phenomenon itself, is necessary, before we are able to say that it has happened even twice, and the variations which accompany the repetition are of the nature of exceptions.
>
> The earth, for instance, never moves exactly in the same orbit year by year, but is in perpetual vacillation. It will, indeed, be replied that this arises from the interaction of one law with another, of which the actual orbit is only the accidental issue, that the earth is under the influence of a variety of attractions from cosmical bodies, and that, if it is subject to continual abberations in its course, these are accounted for accurately or sufficiently by the presence of those extraordinary and variable attractions: science, then, by its analytical proc-

esses sets right the *prima facie* confusion. Of course; still let us not by our words imply that we are appealing to experience, when really we are only accounting, and that by hypothesis, for the absence of experience. The confusion is a fact, the reasoning processes are not facts. The extraordinary attractions assigned to account for our experience of that confusion are not themselves experienced phenomenal facts, but more or less probable hypotheses, argued out by means of an assumed analogy between the cosmical bodies to which those attractions are referred and falling bodies on the earth.

I say "assumed," because that analogy (in other words the unfailing uniformity of nature) is the very point which has to be proved. It is true that we can make experiment of the law of attraction in the case of bodies on the earth; but, I repeat, to assume from analogy that, as stones do fall to the earth, so Jupiter, if let alone, would fall upon the earth and the earth upon Jupiter, and with certain peculiarities of velocity on either side, is to have recourse to an explanation which is not necessarily valid, unless nature is necessarily uniform. Nor, indeed, has it yet been proved, nor ought it to be assumed, even that the law of velocity of falling bodies on the earth is invariable in its operation; for that again is only an instance of the general proposition, which is the very thesis in debate. It seems safer then to hold that the order of nature is not necessary, but general in its manifestations.

But, it may be urged, if a thing happens once, it must happen always; for what is to hinder it? Nay, on the contrary, why, because one particle of matter has a certain property, should all particles have the same? Why, because particles have instanced the property a thousand times, should the thousand and first instance it

also? It is *prima facie* unaccountable that an accident should happen twice, not to speak of its happening always. If we expect a thing to happen twice, it is because we think it is not an accident but has a cause. What has brought about a thing once, may bring it about twice. *What* is to hinder its happening? rather, What is to make it happen? Here we are thrown back from the question of Order to that of Causation. A law is not a cause, but a fact; but when we come to the question of cause, then, as I have said, we have no experience of any cause but Will. If, then, I must answer the question, What is to alter the order of nature? I reply, that which willed it; that which willed it can unwill it; and the unvariableness of law depends on the unchangeableness of that Will.

And here I am led to observe that, as a cause implies a will, so order implies a purpose. Did we see flint celts, in their various receptables all over Europe, scored always with certain special and characteristic marks, even though those marks had no assignable meaning or final cause whatever, we should take that very repetition, which indeed is the principle of order, to be a proof of intelligence. The agency then which has kept up and keeps up the general laws of nature, energizing at once in Sirius and on the earth, and on the earth in its primary period as well as in the nineteenth century, must be Mind, and nothing else, and Mind at least as wide and as enduring in its living action, as the immeasurable ages and spaces of the universe on which that agency has left its traces.

The up-to-date student of scientific research should be impressed by the soundness of Newman's reasoning, especially as he seems to have forestalled some of the most strik-

ing conclusions of the latest outstanding scientists such as Henri Poincaré, Bertrand Russell and Einstein. But with regard to the permanent philosophic basis of science, it should be noted that Newman merely restates with a view to our own problem what St. Thomas Aquinas so clearly expounded in the thirteenth century in *Contra Gentiles,* when confronted with philosophical error similar in source and bearing.

The next question is whether the scientist should be considered as having any colorable ground for this assumption, or whether it is, as some would maintain, due to an ungenerous attitude toward Christianity. In the first place, it must be remembered that this assumption on the part of the scientist is in large measure an inheritance, and the tradition on which it rests goes back to the time when in Protestant theology God was conceived of as an arbitrary, one might almost say, a capricious Being, and as the world was held to be dependent upon His Will, it can be readily seen how detrimental such a conception would be to anything like scientific knowledge of the facts of nature. In other words, to the mind of the average non-Catholic scientist, Christianity, as he assumes to know it, is irrational. Of the many instances in proof of this that may be adduced we will give the case of George Brandes, in which we see a Danish critic and a Jew who ranked himself as somewhat of a scientist, and hence may be considered as furnishing independent testimony. As he confesses in his *Reminiscences*:

I went back from Hegel to Spinoza and, filled with

awe and enthusiasm, read the *Ethica* for the first time. Here I stood at the source of modern pantheistic Philosophy. Here Philosophy was even more distinctly Religion, since it took Religion's place.

But finding himself dissatisfied with this philosophical pantheism because it "worked counter to the idea of individualism," in his quest for some ideal he turned his mind toward Christianity and tells us:

> But if self-sacrifice were the criterion, then Jesus, according to the teachings of tradition, was the Ideal, for who as self-sacrificing as He? This was an inclined plane leading to the Christian spiritual life, and a year later, when I was nearly twenty, I had proceeded so far on this plane that I felt myself in all essentials in agreement with the Christian mode of feeling, inasmuch as my life was ascetic, and my searching, striving, incessantly working mind, not only found repose, but rapture, in prayer, and was elated and fired at the idea of being protected and helped by God.
>
> But just as I was about to complete my twentieth year, the storm broke out over again, and during the whole of the ensuing six months raged with unintermittent violence. Was I, at this stage of my development, a Christian or not? And if not, was it my duty to become a Christian?
>
> The first thought that arose was this: It is a great effort, a constant effort, sometimes a minutely recurring effort, to attain moral mastery over one's self, and though this certainly need not bring with it a feeling of self-satisfaction, much less *ought* to do so, it does bring with it a recognition of the value of this self-mastery. How strange, then, that Christianity, which com-

> mands its attainment, at the same time declares it to be a matter of indifference to the revealed God whether a man has lived morally or not, since Faith or lack of Faith is the one condition upon which so called Salvation depends.

And by way of further comment he adds: "And I wondered whether the inhabitants of another planet would be able to understand how on the Earth that which was contrary to all reason was considered the highest truth."

America,
August 11, 1925

"MODERNISM" AN ATTACK ON CHRISTIANITY

CARLYLE! thou shouldst be living at this hour. Because men failed to heed thy medieval doctrine that the end of government was "to guide men in the way wherein they should go; towards their true good in this life, the portal of infinite good in a life to come. To guide men in such way, and ourselves in such way as the Maker of men, Whose eye is upon us, will sanction at the Great Day;" (Past and Present). Because they would not hear this, thy teaching, therefore not England only but Europe and the Midas-eared world, that gave itself to Mammon, is one scientific and economic confusion.

But it was not so much that he might criticize our Heroes and our Governments that we could wish the Sage of Chelsea with us still, as the desire to see him deal fittingly with a new species of cant that has come into our midst and with a new type of university professor, writer and preacher; a type which for our present purpose we will consider as embodied in Dean Shailer Mathews, A.M., D.D., LL.D., professor of Historical and Comparative Theology at the University of Chicago, editor of the Biblical World, and the author of a little book, *The Spiritual Interpretation of History*. Reconstruction is now dependent largely upon public opinion. Wherefore, in these days when, the more loudly the right to private judgment is asserted in matters

of religion, the less insistent people are to make good its rightful claims in other quarters, in behooves us to watch carefully those who, by their position or by authority otherwise acquired, have it in their power to influence and mould that opinion. Had Dean Mathews called his book, "The Projection of a Modernistic Mind into the Past," he would have been happier in his choice of a title and also far more honest with his readers. Now a Modernist is one who belongs to that sporadic sect of eclectics that scout all dogmatism of the open, straightforward, well-established kind, and in its place have substituted a pussy-foot variety which, like most pussy-feet, holds hidden away beneath a velvet smoothness a number of claws in the shape of well-concealed but more or less gratuitous and quite unverifiable assumptions. Those who read their works and wish to avoid the fate of the mouse in the cat's paws must either have a mind sufficiently trained to detect these assumptions or be endowed with the "admirable quality of (John) Bull—of remaining insensible to logic."

Dean Mathews, for instance, tells his readers in the beginning of his book that "it is always dangerous for a historian to be a philosopher, but it is a thousand times more dangerous for him to be obsessed by a theory" and that "the only true interpretation of history is an inductive description of actual movements and tendencies within history." But what does he do actually? He quietly assumes the theory of evolution as though it had been scientifically proved—which it has not—and proceeds to read into the history of the past the imaginative philosophic system of our latest esthete among philosophers, Henri Bergson. No mention of the

latter occurs however in the Dean's little book except once towards the end and then only by way of an aside.

Again he tells us that "we must break across the artificial barriers of definitions and syllogisms if we are really to find freedom." The freedom meant, if not intended, here is the license to draw on men's imagination at will and to contradict oneself incontinently the moment sweet fancy so dictates. Dean Mathews, for instance, tells us plainly that "the attempt to find any objective criterion by which to decide whether a given act is right or wrong has pretty generally failed (*sic*)." And yet one of the three inductions from the study of social evolution he wishes to examine is "the transformation of the fight for rights into a giving of justice." To read him one would be inclined to think he had his eye on the day when French revolutions, wars, and strikes will have subsided into gentle tea parties.

As regards the syllogism the fact is worth noting that Bacon—the real father of the traditional prejudice evinced in the above statement—in his attempt to depreciate it actually expressed his thought in a number of very distinct syllogisms. It is even hard to see how he could have done otherwise since the moment the human mind starts to work towards conclusions it is forced by its very nature to do so syllogistically. The mistake of both Bacon and Dean Mathews is due to defective education. Neither, evidently, was taught the important distinction between true and false premises or forced to recognize the proper function of a middle term.

Definitions, to which also the Dean objects, abound in any number throughout his book, so much so that his utter-

ance about them would lead one to class him with M. Jourdain, who did not know that he had been talking prose all his life. What he fails to define, however, are the very things that he should have defined. He has written 219 pages to prove that life is "a unity emerging amidst opposing diversities; a becoming rather than a mere being; a movement towards *personal values*." Nowhere does he tell us what he means by this latter term and we challenge him to do so. Should he give them a meaning which possibly they might have for the mind of any ordinary thinking pagan or Christian, that meaning will be found to be inconsistent with the rest of what he has written in his book. If, on the other hand, he cannot define what he means, then is the whole constructive portion of his little work nothing but an eloquent bit of post-impressionistic nonsense with just enough truth in it to deceive both himself and his unwary readers.

We know the modernist answer to all this. "Obscurantism!" "Lack of Christian Charity!" But is there no such thing as charity for the reading public? Or is truth of such secondary importance that even university professors who undermine it must be allowed to go unrebuked out of regard for their finer feelings? And as regards "Obscurantism" the worst offender in that line surely is he who, in the spirit of Cleon, has brought himself to such a pass that he can declare, be it even tacitly only, and back in the sanctum of his own mind, "I stand myself." What the fate of our civilization would have been had individuals such as he had their way in the matter of human progress is brought home to us very forcibly by the words in which Browning makes

this imaginary philosopher reveal unwittingly the moral defect in his own mentality:

> And for the rest,
> I cannot tell thy messenger aright
> Where to deliver what he bears of thine
> To one called Paulus; we have heard his fame,
> Indeed, if Christus be not one with him—
> I know not, nor am troubled much to know.
> Thou canst not think a mere barbarian Jew,
> As Paulus proves to be, one circumcized,
> Hath access to a secret shut from us?
> Thou wrongest our philosophy, O King,
> In stooping to inquire of such an one,
> As if his answer could impose at all!
> He writeth, doth he? well, and he may write.
> Oh, the Jew findeth scholars! Certain slaves
> Who touched on this same isle, preached him and Christ;
> And (*as I gathered from a bystander*)
> Their doctrine could be held by no sane man.

It is owing to this supreme satisfaction with that very contingent little fact in the present; self, that the modernist is led to treat of the facts of the past in the peculiar high-handed, supercilious manner which he seems to arrogate as his special privilege. Progress, in the opinion of Dean Mathews, is not the result of man's rational attempt to perfect his nature; nor was it because of the truth of the grounds, furnished by Christian Revelation, for certainties as deep as life itself concerning man's eternal destiny, that this attempt became immensely more enlightened and vigorous after the beginning of our era. According to him it is

all due a mysterious sort of *nisus formativus* or to what he calls a "plus element in humanity" which in the end turns out to be but God Himself immanent within the historical process. Former ages, of course, knew nothing of this; consequently the ideas they held, however much they may have helped to further this historical process of pantheistic evolution, cannot be allowed to have been true. The Dean, however, has committed his whole thesis by one grave slip. He tells us with all the condescension of the modernist that we "concrete men and women * * * are given approximate sanity and adventurous outlook by philosophers, poets, and prophets." We will, therefore, compare some of his sentiments with the ideas of two of the greatest ex-Protestant, non-Catholic thinkers of the nineteenth century:—Browning and Carlyle; the one a poet, the other prophet enough, certainly, to suit the tastes of any modernist; and both sufficiently philosophers to teach any one with less than God's word to fall back upon, many things which it were well for him to know.

The Dean. "In the rise of customs is to be seen the social origin of that powerful master and director of human life, the conscience. But conscience itself evolves from emotional attitudes due to the fear of physical vengeance or of divine punishment in this life or the next, to a conscious regard for righteousness whatever may be its content." (p. 76.)

Browning. Take all in a word: the truth in God's breast
Lies trace for trace upon ours impressed:
Though he is so bright and we so dim,
We are made in his image to witness him:
And were no eye in us to tell,

Instructed by no inner sense,
The light of heaven from the dark of hell,
That light would want its evidence,—
Though justice, good and truth were still
Divine, if, by some demon's will,
Hatred and wrong had been proclaimed
Law through the worlds, and right misnamed.

The Dean. "Imperfect as * * * religion was * * * (outside) the Roman Catholic Church (after the Reformation), it was far better in its human appeal, in its recognition of moral values and its sense of the Divine presence than any the Middle Ages had known." (p. 62.)

Carlyle. "A godless century, looking back upon centuries that were godly, produces portraitures more miraculous than any other. * * * Does it never give thee pause, this other strange item of it, that men then had a *soul*,—not by hearsay alone, and as a figure of speech; but as a truth that they knew, and practically went upon! Verily it was another world then. * * * Jocelin, Eadmer, and such religious men, have as yet nothing of 'Methodism'; no Doubt, or even root of Doubt. Religion is not a diseased self-introspection, an agonizing inquiry: their duties are clear to them, the way of supreme good, plain, indisputable, and they are travelling on it. Religion lies over them like an all-embracing heavenly canopy, like an atmosphere and life-element, which is not spoken of, which in all things is presupposed without speech. Is not serene or complete Religion the highest aspect of human nature; as serene Cant, or complete No-religion, is the lowest and miserablist?"

The Dean. "Is it not true for instance that our generation has developed a far more ethical conception of God than ever obtained even in Christian teaching?" (p. 94.)

Carlyle. "God's absolute Laws sanctioned by an eternal Heaven and an eternal Hell, have become Moral Philosophies, sanctioned by able computations of Profit and Loss, by weak considerations of Pleasures of Virtue and the Moral Sublime. * * * Such philosophies will arise: for man's philosophies are usually the 'supplement of his practice'; some ornamental Logic-varnish, some outer skin of Articulate Intelligence, with which he strives to render his dumb Instinctive doings presentable when they are done. Such philosophies will arise; be preached as Mammon-Gospels, the ultimate Evangel of the World; be believed, with what is called belief, with much superficial bluster, and a kind of shallow satisfaction real in its way:—but they are ominous gospels! They are the sure, and even swift forerunner of great changes. Expect that the old System of Society is done, is dying and falling into dotage, when it begins to rave in that fashion."

The Dean. "The recognition of spiritual values and forces in history confirms the sanity and if the expression may be used, the good sense of Jesus. It is a pity that our sympathies and prejudices weaken our appreciation of Jesus as an historical force. But such he must be considered by any historian of modern culture." (p. 208.)

Modernists do not believe in the divinity of Christ. It is this denial that renders them perhaps the chief danger to our civilization. Even an agnostic like Mr. Bury, the late Regius Professor of History at Cambridge, is forced to admit

that had the Arians, who denied the divinity of Christ, succeeded in the fourth century in crushing out the Catholic faith our civilization would never have been in any way superior to that of the Mohammedans today. That the modernists will soon go the way of all heretics in the past we are firmly convinced. They present merely a phase of Protestantism driven logically to its last ditch: a pantheistic philosophy. Long before the teachings of the sect were condemned by Pope Pius X, Browning in his *Christmas Eve* had drawn a perfect picture of the real modernist professor:—

> And he began it (his discourse) by observing
> How reason dictated that men
> Should rectify the natural swerving,
> By a reversion, now and then,
> To the well-heads of knowledge, few
> And far away, whence rolling grew
> The life-stream wide whereat we drink,
> Commingled, as we needs must think,
> With waters alien to the source;
> To do which, aimed this eve's discourse;
> Since, where could be a fitter time
> For tracing backward to its prime
> This Christianity, this lake,
> This reservoir, whereat we slake,
> From one or other bank, our thirst?
> So, he proposed inquiring first
> Into the various sources whence
> This Myth of Christ is derivable;
> Demanding from the evidence,
> (Since plainly no such life was livable,)

This is a real modernistic assumption.

> How these phenomena should class?
> Whether 'twere best opine Christ was,
> Or never was at all, or whether
> He was and was not, both together—
> It matters little for the name,
> So the idea be left the same. * * *

As for the fact it must give way to theory. Contradicting the profession of St. Paul that of the modernist must be "If Christ be * * * risen again then is our preaching vain." The point worth noting however is that just as with the false witnesses suborned by Caiphas and his gang scarcely two modernists can be found to agree in their reasons for denying our Divine Saviour's divinity.

Browning (to the modernist):

> You urge Christ followers simplicity
> But how does shifting blame, evade it?
> Have wisdom's words no more felicity?
> The stumbling-block, his speech who laid it?
> How comes it that for one found able
> To sift the truth of it from fable,
> Millions believe it to the letter?

Carlyle. "The Man of Theory twangs his full-bent bow; * * * Fact ought to fall stricken, but does not: his logic-arrow glances from it as from a scaly dragon, and the obstinate Fact keeps walking its way. How singular! * * * (Addressing the Dean). Not by this road, my son; by another road shalt thou attain well-being; this, thou perceivest, is the road to ill-being; Quit this!—So do all moralists advise: that the man penitently say to himself *first* of all, Behold I was not wise enough; I quitted the laws of Fact which

are also the Laws of God, and mistook for them the Laws of Sham and Semblance, which are called the Devil's Laws; and therefore am I here."

The Dean. "Christians have been very keen to believe the gospel *about* Jesus but they have not (sic) been so eager to receive the gospel of Jesus." (p. 209.)

Browning. Whom do you count the worst man upon earth
Be sure, he knows, in his conscience, more
Of what right is, than arrives at birth
In the best man's acts that we bow before:
This last knows better—true, but my fact is,
'Tis one thing to know, and another to practice.
And thence I conclude that the real God-function
Is to furnish a motive and injunction
For practicing what we know already.
And such an injunction and such a motive
As the God in Christ, do you waive, and "heady,
High-minded," hang your tablet-votive
Outside the fane on a finger-post?
Morality to the uttermost,
Supreme in Christ as we all confess,
Why need we prove would avail no jot
To make him God, if God he were not?
What is the point where himself lays stress?
Does the precept run "Believe in good,
In justice, in truth, now understood
For the first time"?—or, "Believe in me,
Who lived and died, yet essentially
Am the Lord of Life"? Whoever can take
The same to his heart and for mere love's sake
Conceive of the love,—that man obtains
A new truth; no conviction gains
Of an old one only, made intense
By a fresh appeal to his faded sense.

The Dean. (The) call to cooperation with the spiritual forces within history is no call to a forlorn hope. If our interpretation of history as a whole is correct, the man who chooses the vicarious life has not chosen the losing side. He is cooperating with the unquestionable tendency of human progress." (p. 201.)

Browning. I do not tell a lie so arrant
As say my passion's wings are furled up,
And, *without plainest heavenly warrant,*
I were ready and glad to give the world up—
But still, when you rub brow meticulous,
And ponder the profit of turning holy
If not for God's, for your own sake solely,
—God forbid I should find you ridiculous!
Deduce from this lecture all that eases you,
Nay, call yourselves, if the calling pleases you,
'Christians,'—abhor the deist's pravity,—
Go on, you shall no more move my gravity
Than, when I see boys ride a-cockhorse,
I find it in my heart to embarrass them
By hinting that their stick's a mock horse
And they really carry what they say carries them.

But for *definite* sanity and a *sure* outlook

I say, the acknowledgement of God in Christ
Accepted by thy reason, solves for thee
All questions in the earth and out of it,
And has so far advanced thee to be wise.

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